

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

WEDNESDAY, 22 JANUARY 2020 AT 10:30 HOURS
IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

5 - 12

4 MINUTES - PUBLIC

To note part 1 of the Minutes of the last meeting of the Trusts and Charities Committee held on 13 November 2019.

5 MATTERS ARISING

To discuss matters arising.

13 - 22

6 GEORGE CADBURY FOR PUBLIC PARK - FRIENDS OF MANOR FARM PARK PROGRESS REPORT AND FUNDING

Report of Parks Services Manager

<u>23 - 56</u>	7	<u>VICTORIA COMMON - INTRODUCTION OF CAR PARKING CHARGES</u>
		The Report of the Assistant Director - Street Scene.
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		Report of Assistant Director - Street Scene and Parks
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		Report of Integrated Service Head - Libraries
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		Report of Integrated Service Head - Libraries
<u>77 - 98</u>	11	<u>YOUNG ACTIVE TRAVEL TRUST GRANTS</u>
		Report of the Assistant Director - Transport and Connectivity.
<u>99 - 114</u>	12	<u>HIGHBURY TRUST ANNUAL REPORT AND ACCOUNTS 2018/19</u>
		Report of the Chief Finance Officer.
<u>115 - 122</u>	13	<u>ALDERSON TRUST ANNUAL REPORT AND ACCOUNTS 2018/19</u>
		Report of the Chief Finance Officer.
<u>123 - 140</u>	14	<u>ELFORD ESTATE CHARITY REPORT AND ACCOUNTS 2018/19</u>
		Report of the Chief Finance Officer.
<u>141 - 144</u>	15	<u>HIGHBURY ESSENTIAL WORKS - ADDITIONAL TRUST FUNDS, MATCHFUNDING HISTORIC ENGLAND AWARD</u>
		Report of Assistant Director of Property
<u>145 - 148</u>	16	<u>CALTHORPE PARK - LEASE OF PLAY CENTRE FOR GENERAL COMMUNITY PURPOSES</u>
		Report of Assistant Director - Neighbourhoods
	17	<u>OTHER URGENT BUSINESS</u>
		To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	18	<u>DATE AND TIME OF NEXT MEETING</u>
		The next meeting is scheduled to take place on Wednesday, 18 March 2020 at 1030 hours in Committee Room 2, The Council House, Birmingham.

19 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

20 **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:-

Exempt Paragraph 3

P R I V A T E A G E N D A

21 **MINUTES - PRIVATE**

Item Description

22 **MATTERS ARISING - PRIVATE**

To discuss matters arising.

23 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 13 NOVEMBER 2019
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 13 NOVEMBER 2019
AT 1030 HOURS IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM B1 1BB**

PRESENT:- Councillor Akhlaq Ahmed in the Chair;

Councillors Nicky Brennan, Gurdial Singh Atwal, Shabrana Hussain, Mohammed Idrees and Mike Sharpe.

ALSO PRESENT:-

Nigel Oliver	– Birmingham Property Services
Graham Arrand	– Senior Business Analyst, Finance
Les Sparks	– Chair of Chamberlain Highbury Trust (CHT)
Mike Williams	– Treasurer (CHT)
Rajesh Parmar	– Legal Services
Marie Reynolds	– Committee Services

APOLOGIES

1056 Apologies were submitted on behalf of Councillors Adrian Delaney and David Pears for their inability to attend the meeting.

DECLARATIONS OF INTEREST

1057 The Chairman reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the Minutes of the meeting.

Councillor Mike Sharpe declared a non-pecuniary interest (item 6 on the agenda) as a trustee of Alderson Disabled Ex-Servicemen's Homes Trust.

MINUTES

1058 **RESOLVED:-**

That part 1 of the Minutes of the last meeting of the Trusts and Charities Committee held on 18 September 2019 be noted and to include the following correction:

Councillors Adrian Delaney and David Pears attended the above-mentioned meeting.

MATTERS ARISING FROM THE MINUTES

1059 There were no matters arising from the Minutes.

REVENUE BUDGET MONITORING 2019/20 – QUARTER 2 (TO 30 SEPTEMBER 2019)

The following report of the Chief Finance Officer was submitted:

(See document No. 1)

Graham Arrand, Senior Business Analyst, Finance, provided a comprehensive breakdown of the report. He highlighted that the next report would include a breakdown of all the Charities and Trusts investments.

It was -

1060 **RESOLVED:-**

The Trust and Charities Committee:

Noted the latest income and expenditure position of Trusts and Charities as at 30 September 2019.

HIGHBURY – PROPOSED MATCHFUNDING IN SUPPORT OF CHAMBERLAIN HIGHBURY TRUST BID

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

(See document No. 2)

Nigel Oliver, Birmingham Property Services, made introductory comments to the report.

Mike Williams, Treasurer, CHT, reported on the purpose of the report which was to seek the Committee's approval to allocate monies from the unrestricted funds

of the Highbury Estate as matchfunding in support of proposed bids by the Chamberlain Highbury Trust for the improvement of the gardens at Highbury.

He specifically referred to Appendix 1 of the report which detailed the garden project, the final costing of the scheme and how the scheme would be financed through grant support:

- The National Lottery Heritage Fund (NLH) (£100,000)
- Chamberlain Highbury Trust (CHT) already secured £20,000,
- Other CHT funding including Heritage England (HE) (100,000)
- contribution from BCC (CHT) (80,000) unrestricted funds.

It was noted that with regard to the proposed programme of works (costing £300,000), there was a need to demolish the caretaker's house in order to reopen the driveway from the Moor Green Lane/Yew Tree Road at an estimated cost of £25,000- £30,000, which was not included in these costings.

A discussion ensued with Members of the Committee, the Trustees and Officers, highlighting the importance of the scheme; especially for the benefit of the public and the importance for the work to commence early next year which would take approximately 12 months to complete.

It was suggested and agreed that a letter from the Chair be submitted to NLH in support the funding application.

The Chair put the recommendations to the Committee, and it was unanimously agreed:

It was -

1061

RESOLVED:-

The Trust and Charities Committee:

- (i) Noted the intention of the Chamberlain Highbury Trust seeking to improve the gardens at Highbury to bid for monies from external grant giving organisations and which will require Committee support to the bids and that the essential matchfunding required for the bid be provided from the Highbury Trust unrestricted funds;
- (ii) Noted that in addition to the request by Chamberlain Highbury Trust further works will be required by the Highbury Trust to enable the new driveway to be completed particularly the demolition of the disused caretakers lodge, 52 Yew Road;
- (iii) Approved the making of the bids and agreed to set aside monies in support of the scheme proposed as set out in Appendix 1 subject to a further report to Committee on the outcome of any bid;
- (iv) Delegated to the Assistant Director of Property authority to confirm as appropriate on behalf of the Highbury Trust support for the proposals and

the provision of matchfunding of any successful bid and to apprise the Committee of the results of the applications.

CALTHORPE PARK – LEASE OF PLAY CENTRE FOR GENERAL COMMUNITY PURPOSES

The following report of the Assistant Director – Neighbourhoods was submitted:

(See document No. 3)

Nigel Oliver, Birmingham Property Services, reported on the purpose of the report which was to obtain revised management powers for Calthorpe Park, held in trust, including a power of disposal which would enable the grant a lease of the existing Play Centre.

He confirmed that The Active Wellbeing Society currently managing the former Calthorpe Park Play Centre on Edward Road (as part of their service review) no longer wished to directly operate the property and therefore, it was proposed in order to maintain community service provision that the premises be advertised as available to let.

He confirmed that this change would require the occupation of the premises on the trust's land to be regularised by the grant of a formal lease and referred to 2.2 to 2.5 of the report which detailed the necessary actions that needed to be taken.

A discussion ensued with Members of the Committee and officers regarding the importance of obtaining the consent of the Charity Commission before any further actions could be progressed regarding the reletting or disposal of the property.

At this juncture, Nigel agreed to provide a further update on the current position at the next Committee meeting.

The Chair put the recommendations to the Committee and it was unanimously agreed:

It was -

1062

RESOLVED:-

The Trust and Charities Committee:

- (i) Noted The Active Wellbeing Society, being the community benefit society (also known as a mutual) set up to deliver the council outcomes of the Wellbeing Service currently manages the former Calthorpe Park Play Centre on Edwards Road but as part of their Service Review no longer wish to directly operate the property. It is proposed that to maintain community service provision in the area the premises be advertised as available to let. This change will require the occupation of the premises on the trust's land to be regularised by the grant of a formal lease;

- (ii) Authorised that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person';
- (iii) Authorised the disposal by way of a lease for up to 25 years from an early date to be agreed, of the land currently allocated to the Service being granted to a suitable community organisation and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
- (iv) Delegated to the Assistant Director of Property authority 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;
- (v) Authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to apprise the Committee of the results of the applications and consultation.

BILBERRY HILL CENTRE – POWERS FOR DISPOSAL

The following report of the Assistant Director – Skills and Employability be submitted:-

(See Document No. 4)

Nigel Oliver, Birmingham Property Services, reported on the purpose of the report which was to seek approval in order to obtain appropriate management powers for the land and premises known as the Bilberry Hill Centre, held in trust, including a power of disposal.

He provided a brief background of the acquisition of the land, premises and the usage of the premises detailed in sections 4.1 and 4.2 of the report and the current up to date position with the premises standing vacant and the keys returned to BCC.

A discussion ensued with Members of the Committee and officers regarding the importance of obtaining the consent of the Charity Commission in order before further actions could be progressed regarding the reletting or disposal of the property.

It was highlighted the importance of safeguarding the property while vacant and the way in which this could be addressed with good residents occupying the building on a temporary basis (which was taking place in other BCC properties) across the city.

Trusts and Charities Committee – 13 November 2019

At this juncture, Nigel agreed to provide a further update on the current position at the next Committee meeting.

The Chair put the recommendations to the Committee and it was unanimously agreed:

It was -

1063 RESOLVED:-

The Trust and Charities Committee:

- i. Noted the premises formally leased to the Birmingham Federation Clubs for Young People is considered to be held in trust but are now vacant, the Federation having recently been placed in administration;
- ii. Authorises applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and, if appropriate, an Order to permit a disposal to a 'connected person' and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval;
- iii. Delegated to the Assistant Director of Property authority to secure appropriate valuation and marketing advice for the disposal of the property in line with statutory requirements of the Charities Act 2011 and to negotiate the terms of any disposal subject to the terms and conditions of any disposal having been first considered by the Committee;
- iv. Notes that any disposal of land will require consent from the Council as Trustee.

DATE OF NEXT MEETING

- 1064 The next meeting is scheduled to take place on Wednesday, 22 January 2020 at 1030 hours in Committee Room 2, Council House.

OTHER URGENT BUSINESS

- 1065 There was no other urgent business raised.
-

AUTHORITY TO CHAIRMAN AND OFFICERS

1066 **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

1067 **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

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	PARKS SERVICES MANAGER 22nd January 2020
SUBJECT:	GEORGE CADBURY FOR PUBLIC PARK – FRIENDS OF MANOR FARM PARK PROGRESS REPORT AND FUNDING
Wards affected:	Weoley & Selly Oak

1. Purpose of report:

To approve further expenditure from trust funds to facilitate the works at the Lodge and to note the progress report and actions submitted by the Friends.

2. Decision(s) recommended:

That the Committee notes the report and approves:

- 2.1 its continuing support of the actions proposed by the Friends of Manor Farm Park set out in appendix 1
- 2.2 the provision of additional funds of £18,260 to meet the full cost now assessed for the re-roofing of the Lodge noting that the funds will be drawn again from the insurance monies received following the destruction of the George Cadbury Barn
- 2.3 delegates to the Assistant Director of Property working with Acivico and Procurement to award the tender and undertake the works set out within appendix 2
- 2.4 authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.

Lead Contact Officer(s):	Sue Amey for Place Directorate
Telephone No: E-mail address:	0121 464 0407 Sue.amey@birmingham.gov.uk
Lead Contact Officer(s):	Nigel Oliver for the Trust
Telephone No: E-mail address:	0121 303 3028 nigel_g_oliver@birmingham.co.uk

3. Compliance Issues:

3.1 Consultations

The park is held on Trust for the provision of Public Open Space for healthy recreational purposes.

No formal requirement to consult on the decisions recommended arises beyond those set out in the Charities Act 2011 and any relevant Operational Guidance issued by the Charity Commission. However, the proposals are at the instigation of and fully supported by the Friends of Manor Farm Park and officers in the Street Scene and Parks Service.

3.2 Relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of Trusts and Charities and has delegated the discharge of administrative functions to the Trusts and Charities Committee with the Full Council sitting as 'Council as Trustee' being the authorising body for trust "key decisions". Charitable trust activity is regulated by the Charity Commission and governed by a Trust Deed as amended by any Scheme made by the Charity Commission. George Cadbury for Public Park is the registered charity no. 522859 covering the majority of the modern Manor Farm Park in Northfield.

The trust land was gifted to the Council in two parts the first in 1954 through the Will of George Cadbury with the remainder which included the Depot, Lodge and barns in 1955 being via a land exchange with the Cadbury family on the same terms as the gift via the Will. The Governing Document for the Trust is the Will of George Cadbury proved on 5th February 1923. The original trust deeds require that Birmingham City Council shall hold the land for the provision of public open space for the purposes of healthful recreation but the classification of the registered Charity including its purposes, beneficiaries and method of operation includes general charitable purposes, amateur sport and provide buildings, facilities. All land is 'specie' land being dedicated to open space use even though the Depot area is the house and barns which made up the former Manor Farm complex. The Trustee has a legal duty to preserve the assets of the Trust.

3.3 Finances

Decisions made by the charity trustees must, under the 'duty of prudence', be expedient and in the interests of the charity at all times. Further duties are embedded in the Trustee Act 2000. The Park is managed on behalf of the Trust by Birmingham City Council Park & Nature Conservation Service, who meet all expenses in making the park available to the public. There is no current income to the trust. The Trust holds a reserve of funds received from insurance monies paid out on the destruction of the George Cadbury Barn which it has previously agreed in principle to devote to the Options Appraisal/Scheme.

3.4 Public Sector Equality Duty

None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

- 4.1 The Friends of Manor Farm Park continue to work with officers in the Parks Service to develop the Options Appraisal and take forward proposals for the barns at Manor Farm Park. In its meeting of 23rd January 2019, in addition to the sums agreed to assist the Friends to develop their business plan and for the development of the Options Appraisal Committee approved the provision of a sum estimated at the time to be £12,000 for the reroofing of the Lodge. Unfortunately, the cost of works was underestimated, and it is a more difficult scheme than originally proposed and will require the property to be fully scaffolded. Costs are now assessed to be £30,260 as set out in appendix 2. The additional funding being drawn from the insurance monies.
- 4.2 There are no other funds currently available to assist either proposal, nor can any of the Section 106 monies held for spend in the area be used but both will assist in the protection of trust assets and help build the Options Appraisal. Any proposed bids by the Friends Group are not sufficiently advanced to suppose that funding will be available from external sources.
- 4.3 At the meeting of the Committee on 14th December 2016 approval was given for the making of applications to the Charity Commission for a Scheme to provide additional powers to the Trust to enable the grant of a lease and other forms of disposal. Matters have not been progressed pending progress on the Options Appraisal but can and should now progress.
- 4.4 **Aims and Objectives of the Trust**
Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the objects and purposes of the trust. The terms of the Trust are that the land is to be maintained and used as a public recreation ground or open space. The trust also has a duty to maintain the assets within the park and deal with them responsibly.
- 4.5 **Trustee Powers**
A trust's constitution is set out within the executed Trust Deed for each property. The proposed new Scheme is required as the existing documents do not provide any useful management powers normally associated with a modern charity.
- 4.6 **Trust Finances**
The majority of the trust asset is open parkland with the remainder being the depot area formed from the original farm house and barns. There is no regular income stream.

5. Evaluation of alternative option:

To do nothing is not an option as the Options Appraisal cannot advance and the Lodge property will continue to decline. Demolition is no longer favoured for the Lodge and was not supported by the Planning Officers. The Lodge could be disposed of, subject to further approvals, but the introduction of a privately owned property as part of this complex of properties prior to the development phase would not assist the facilitation of the Options Appraisal proposals.

6. Reasons for Decision(s):

- 6.1 To seek to safeguard the Trust's assets and secure continued flexibility for the Options Appraisal.

Signatures:

Chief Officer(s):

Chairman

Dated

List of Background Documents used to compile this Report:

1. Deed of Acquisition dated 25th March 1955
2. Report to Trusts & Charities Committee on 14th December 2016, 19th July 2017 and 23rd January 2019
3. Options Appraisal – The Cadbury Barn, Manor Farm Park March 2015 and update reports

List of Appendices accompanying this Report (if any):

1. Progress Report on the development of disused buildings in manor farm Park Northfield – January 2020
2. Acivico Cost Report dated 15th November 2019

Progress Report on the development of disused buildings in Manor Farm Park, Northfield – January 2020

For the Trusts and Charities Committee meeting

22 January 2020 10.30am, Council House Committee Room 2

Outline

Previously, Trustees of the George Cadbury (for Park) Trust (the “Trust”) have supported work to restore disused buildings at the main entrance to Manor Farm Park, Northfield. [January 2017, September 2017, January 2019]. Studies commissioned by the City Council and Friends of Manor Farm Park show that it would be viable to restore the old farm buildings and the lodge in the park for use as a community facility which would be run by a Charitable Organisation. To facilitate this, Trustees will need to apply to the Charity Commission to vary the terms of the Trust to allow the site to be leased to a third party and for commercial activities for charitable purposes to take place.

Recommendations

Trustees are requested to:

1. Agree in principle to the Community Asset Transfer to a Charitable Organisation on a long-term lease;
2. Instruct the Trust’s officers to make an application to the Charities Commission to vary the terms of the Trust as a matter of urgency;
3. Ask officers to confirm in writing the intention of forming a formal partnership with the proposed charitable trust as the preferred partners.

Proposed approach

A group of stakeholders (including BCC, Bournville Village Trust, Friends of Manor Farm Park), proposes to create a Charitable Organisation that, working in partnership with BCC, will renovate and operate the site on a long-term lease following a Community Asset Transfer from the Trust.

Following a series of studies, (described below), including surveys of park users and local residents, the Stakeholder Group has decided it is feasible to renovate and develop the buildings on the site. They would be converted into community facilities for use by individuals and groups to promote well-being and healthy living activities in the park as well as promoting its heritage, thus continuing the legacy of George Cadbury. The facilities will include meeting spaces for hire, exhibition space and a community-enterprise-run café with toilets. The layout of the overall site would be agreed in conjunction with the Council.

Why is this the preferred approach?

Studies by Acivico on the condition of the farm buildings and the lodge show that it would cost BCC £750,000 and £290,000 respectively to bring the two buildings back into use. The former Cadbury Barn (destroyed by arson in 2017) was insured and the Trust received an insurance pay-out in of £250,000 following its destruction, of which £166K remains; there is also an outstanding Section 106 grant of £132,000 for use on community facilities in the Park. However City Officers have indicated that they will not be able to secure the necessary additional funds to renovate the buildings.

Other studies show that the buildings are poorly insulated and would need considerable work to bring them up to present building standards; presently they are being used for storage for equipment used by the Parks and Nurseries Department and are not suitable for other uses without investment.

However, business feasibility and catering studies have shown that a community facility which hired rooms, put on events for the local community and operated a café would be financially viable. A Charitable Organisation would be able to access sufficient funds from grants, loans and investors to renovate the site. These sources of funding are not available to Local Authorities and this is why the most suitable approach is for a Charitable Organisation to develop and operate the site on a lease.

Under the terms of the original Trust the site cannot be sublet or used to undertake commercial activities. So, the Trustees need to make an application to the Charities Commission to vary the original Trust before the development can proceed. The variation is also needed to enable the proposed Charitable Organisation to demonstrate it can apply for and secure the necessary funds to undertake this work. Given the nature of the project, which may be complicated and because application timescales can be long, the application for variation needs to be made without delay, or it could hold up the whole project.

Recent development of the Project (formerly the Cadbury Barn project)

Built in 1895, the Cadbury Barn was used to host parties for families from the inner city. The site comprised the timber framed Cadbury Barn (destroyed in 2017 by arsonists), another two storey Victorian barn adjoined to further outbuildings (the farm buildings), a three bedroom lodge, a garden and car parking.

The Stakeholder Group has created a vision to develop the site to celebrate its historic, cultural and natural heritages by creating spaces for community use, a café, workspaces and an exhibition area. The site will be sustainable both from an environmental and financial point of view.

The Trust and Charities Committee has previously supported this approach. [January 2017, September 2017, January 2019]

Studies carried out

As agreed by the Trust in January 2019, using funds from the insurance pay-out on the original Barn, BCC officers commissioned site condition surveys, utility condition surveys and Acivico architects' plans for the buildings on the site. Under the terms of a COGA, Friends of Manor Farm Park, acting on behalf of the Stakeholder Group, also commissioned a detailed business plan, a catering report, an environmental report and an architect's report on alternative designs for the site. The Friends applied successfully to the National Lottery for a grant to employ a Project Manager to manage its work with the city council. They have also had discussions with the National Lottery Fund about capital and revenue grants for the project as well as talking to private investors who have an interest in funding community facilities in the area. The Friends of Manor Farm Park have carried out two surveys recently that confirm users' support for the proposed developments.

Next Steps

The Stakeholders will work with City Officers to develop Heads of Agreement for the project and set up a Charitable Organisation that can apply for funds from a range of parties. Work can start on the Community Asset Transfer and preparation of the lease but none of this can be finalised until the Charity Commission has approved the Trust's variation application, so it is essential that this application is submitted without further delay, having first been approved by the Trust in January 2017. The Charitable Organisation will establish a project team to draw up plans to transform the site into a community facility. We anticipate that it will take about two years before the site is operational, but this is conditional on a speedy application to the Charities Commission.

The support of the Trustees in furthering this project as outlined above will therefore be both vital and much appreciated.

John Stewart and Lesley Pattenson
on behalf of Friends of Manor Farm Park and the Stakeholders Group
8 January 2020



Acivico (Design, Construction & FM) Ltd.,
PO Box 122, 1 Lancaster Circus,
Birmingham, B4 7DG.
Email : @acivico.co.uk
Tel : 0121

Dear Lesley

15th November 2019

Project: 17265 Manor Farm Depot Repairs to disused building

General: The above project has been sufficiently developed to allow a cost to be prepared and is attached above.

Cost Plan

Project Cost Summary	£
Scheduled items	£ 24,669.28
Total for the Works	£ 24,669.28
Acivico Fee @ 9.2%	£ 2,270
Asbestos Survey Fee	£ 800.00 (Budget)
Building Regulation approval	£ 250.00
General Contingency Sum @ 10%	£ 2270.00
TOTAL PROJECT COST PLAN	£ 30,260.00

Start and Completion Dates: An estimated start date of 6th January 2020 and completion date of 7th February 2020 subject to agreement with all parties at the pre-contract meeting.

Duration of Works: It is expected that works will last 5- 6 weeks subject to agreement by all parties at the pre-contract meeting.

Scope of Works:

Strip off existing roof complete incl; all timbers and gutters and RWP

Inspect timbers for any defected or rot and report back to Acivico, inspect brickwork to gables, wall plate area and if there are any defective areas report back to Acivico

Supply and fix new timber 38mm x 25mm lath

Supply and fix new Breathable felt

Supply and fix new Fibre cement slates to match existing

Supply and fix new vented eaves system

Supply and fix new Dry ridge system

Supply and fix new Black ½ round pvc gutter and downpipes.

Insulation upgrade to current building regs

Include for all scaffolding, edge protection, heras fencing and scaffold inspections for the duration of the contract

On completion leave site clean and tidy

Phasing of Works: Contract duration 5 to 6 weeks



Acivico (Design, Construction & FM) Ltd.,
PO Box 122, 1 Lancaster Circus,
Birmingham, B4 7DG.
Email : @acivico.co.uk
Tel : 0121

Form of Authority: To progress the works and avoid any delay, I require a Form of Authority no later than 10 working days after issue of the above documents.

I look forward to hearing from you, if you have any further queries regarding this detail, please contact me.

Yours sincerely

Andy King
Principal Building Surveyor Bsc (Hons) MCIOB

A Acivico Ltd, PO Box 17211, Louisa House, 92-93 Edward Street, Birmingham, B2 2ZH, As above (B1 2RA for sat nav)

M 07887895595

E andy.king@acivico.co.uk

W www.acivico.co.uk



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**BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE
PUBLIC REPORT**

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	ASSISTANT DIRECTOR – STREET SCENE 22 January 2020
SUBJECT:	INTRODUCTION OF CAR PARKING CHARGES IN CITY PARKS - VICTORIA COMMON
Wards affected:	NORTHFIELD

1. Purpose of report:

To seek approval to the introduction of car parking charges at Victoria Common, which the Council owns as sole trustee, as part of the Council's overall strategy to introduce charges across parks in the City and to approve a programme of ongoing maintenance and improvement works as set out in Appendix 5 (the "Works") in order to safeguard facilities at Victoria Common for the benefit of park users.

2. Decisions recommended:

That the Committee:

- 2.1 notes that approval was given by the Committee to a report introducing charges for car parking at Cannon Hill Park in trust on 1st March 2017 and that the Business Case appended to the report 'Introduction of Charges for Car Parking in Major City Parks - The Place Directorate' included proposals for the rolling out of charges elsewhere including Victoria Common
- 2.2 now approves the introduction of car parking charges at Victoria Common in line with the Full Business Case (in so far as it affects Victoria Common) taking the following into account:
 - all revenue derived from car parking charges at Victoria Common will be used to offset the costs of maintaining Victoria Common;
 - any surplus revenue generated (over and above the total annual costs for Victoria Common), will be returned to the Trust and earmarked for Victoria Common;
 - the Parks Service will consult with the Trust about the use of surplus revenue for future improvements to Victoria Common; the Parks Service will provide regular updates to the Trust on any such improvements;
 - undertaking any further consultation and obtaining all other approvals and consents, required to implement the scheme.
- 2.3 approves Birmingham City Council to undertake the proposed Works estimated at £0.07m to improve the security, layout and facilities at Victoria Common as detailed in Appendix 5, as well as ongoing maintenance of the car park and carriageway
- 2.4 delegates to the Assistant Director of Property authority to negotiate any agreements required to facilitate the proposals at 2.2 and 2.3 above, provided that all appropriate restrictions are included in the terms to properly safeguard at all times the interests of the Council acting as Sole Trustee
- 2.5 authorises the City Solicitor to make any further applications necessary for appropriate powers or approvals from the Charity Commission or other party or body as appropriate and to then prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above recommendations
- 2.6 notes the Highways Department of BCC will introduce an off-street Traffic Regulation

Order to enable the introduction of parking charges at Victoria Common. The Traffic Regulation Order will be in place prior to the introduction of charges.

Lead Contact Officers: Telephone No: E-mail address:	Matt Hageney - Parks & Nature Conservation Service 07500 882961 Matt.Hageney@birmingham.gov.uk
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3. Compliance:

3.1 Consultations:

Internal

Victoria Common is managed as a park on a day to day basis by Neighbourhoods Directorate. The Council fully support the proposals developed to improve Victoria Common in the Full Business Case. Ward Members for the area (and surrounding areas) were consulted by email on 9th November 2018 and again on 7 March 2019 (Appendix 1), as well as on 27-28th June and 12th and 19th July 2019 in advance of the informal public consultation:

- Northfield
- Kings Norton South
- Kings Norton North
- Longbridge & West Heath
- Rubery & Rednal
- Frankley & Great Park
- Allens Cross
- Weoley & Selly Oak.

The Cabinet Member for Street Scene and Parks was consulted with in May, June and September 2019 in Cabinet Member Briefings and is fully supportive of the proposals.

The project team attended the Northfield ward meeting on 17th October to update the ward member and local residents on the initial findings from the informal public consultation.

External

The proposals for the introduction of car parking charges were shared with the Birmingham Open Spaces Forum (Friends of the Park) by the District Parks Manager in individual meetings over the past year and they support the proposals to improve control of the car parking in the vicinity.

Consultation has taken place (through meetings and email) with the Trustees of the Birmingham Friends Halls (Society of Friends) who own the carriageway to Victoria Common between November 2018 and February 2019, as improvement works to the carriageway are proposed as part of the scheme to resolve the long-standing road safety issue of inconsiderate parking along the carriageway which forces pedestrians into the path of oncoming traffic. We have received written approval from the Society of Friends for the production of a pedestrian walkway with bollards to prevent inconsiderate parking and to resolve the health and safety/road safety issue.

Consultation has taken place with local stakeholders i.e. businesses and organisations in the vicinity of Victoria Common between March and May 2019, through the circulation of a stakeholder note (detailing the proposed charging scheme and associated Works) and follow-up meetings with individual stakeholders. The stakeholder consultation also included the residents on Church Road who have garages off the carriageway into

Victoria Common and access over it, to address any concerns they may have. Details of the stakeholder consultation can be found in Appendix 2.

Informal discussions have taken place with the Victoria Common Friends Group in Summer 2017 when car parking charges in parks was formally agreed by Cabinet. A stakeholder note detailing the proposed introduction of charges and the Works at Victoria Common was shared with the group in February 2019 and the District Parks Manager attended a Friends Group meeting that month. The Friends do not have an issue with charging given the current parking issues. The Friends made the following suggestions at the meeting in February 2019:

- Consultation around potential for traffic restrictions on local roads to include Heath Road South (currently problematic due to hospital displacement and conflict at peak times for school pick up and drop off)
- Would prefer first hour of parking to be free (e.g. charging from 8am) but a reduced rate is acceptable i.e. 50p for first hour, £2 for 4 hours, £3 for 4 hours plus
- Any signage should include the following statement, "Income from this car park is spent on maintaining Victoria Common" as visitors will then be more accepting of the scheme
- An all-day rate should be in place to capture staff of local businesses and to guarantee income levels.

An informal public consultation took place over a 4 week period between 22nd July and 18th August. During the consultation period, two face-to-face clipboard exercises were completed with users in Victoria Common/visitors to the car park. 70 responses were collected from these exercises. In addition, a BeHeard survey took place and 124 individuals registered their views.

Two drop-in sessions (one afternoon, one evening) were held for residents and park users. Letters were hand delivered to 460 households on roads surrounding Victoria Common inviting residents to the drop-in sessions and posters were displayed around Victoria Common's pedestrian and vehicular entrances. 31 attendees met with members of the project team to discuss the proposals and register their preferences for on-street traffic restrictions (Appendix 3). The project team will ensure that on-street traffic restrictions are in place (as deemed suitable and necessary by the local Highways engineer) prior to the implementation of charging.

A total of 194 views were collected as part of the informal consultation. Of the 194 views received, 98% were residents of Birmingham and 101 lived within a B31 postcode. Out of 194 respondents, 125 (64%) responded with a preference for the proposed rates or a new suggestion for a chargeable rate. 71 individuals (36%) expressed their preference for parking to remain free. A summary of the informal consultation findings can be found in Appendix 4.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. The Council holds the freehold interest of Victoria Common in trust as Sole Trustee and is responsible for ensuring the Trust is managed in accordance with the governing document and in accordance with charity law and relevant Charity Commission guidance. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust document as amended by any Scheme approved by the Charity Commission. There is no scheme in place for this area of trust land nor does the governing document provide any direct powers for the future management of the trust land. The terms of the Trust as set by the acquisition deeds are that the land is to be used for the purposes of a public park for the recreation of persons in the City of Birmingham and the general public together for the purposes of a playground or pleasure ground. However trustees are able to rely on the provisions of the Trusts of Land and Appointment of Trustee Act 1996 for sufficient powers to allow the proposed works to proceed.

Birmingham City Council has procured a citywide Civil Parking Enforcement Contract with NSL; NSL are paid in accordance with that contract for providing the civil parking enforcement service. The Parks Service successfully use NSL for enforcement at Cannon Hill Park (another park asset held in trust by the Council) and propose to continue this arrangement as charges are rolled out to other sites including Victoria Common. The income from Penalty Charge Notices is used to cover all operational expenditure (including the cost of the civil parking enforcement contract) and any surplus funds are governed by Section 55 of the Road Traffic Regulation Act 1984, as amended by Section 95 of the Traffic Management Act 2004. This states that any surplus in parking revenue accounts, after running costs have been covered can be spent on:

- Providing additional parking facilities
- Public transport schemes
- Highway improvements
- Road maintenance
- Environmental improvements

3.3 How will decisions be carried out within existing finances and resources?

The Committee has responsibility for ensuring the proper governance of the Victoria Common in accordance with the objects of the trust and charity law. The Trustees must act with prudence and must ensure that the charity is and will remain solvent and that appropriate cost controls are in place.

All capital and revenue costs of managing Victoria Common (and the other 16 parks in Trust) are currently covered in their entirety by BCC's Parks Service. Any income from parking charges over and above the aforementioned costs associated with managing Victoria Common (Appendix 5) will be ring fenced for the benefit of and reinvestment in Victoria Common.

As the carriageway is not Trust land and is an ongoing road safety issue for park visitors, improvement works (in the form of a pedestrian walkway) will form part of Phase 1 works – we have received approval to proceed from the landowners. These works are regarded as essential health and safety improvements and business as usual for the Parks Service.

Phase 1 works (improvements to the carriageway to Victoria Common) can be completed

within 1 month (weather dependent). Phase 2 infrastructure works for the car park (to support the introduction of car park charges) will begin following consultation and improve the car park surface to a suitable standard to enable charging – with the inclusion of disabled bays, surface levelling/potholing etc. This work will take approx. 2-3 months (weather dependent). It is Phase 2 of the Works that Committee approval is sought. The cost for phase 1 and 2 of the Works is continued within the project costs of £0.07m.

Car park operational costs for the site (Appendix 5) have been calculated using information from the Bills of Quantities and from information from the Parking Services Team (i.e. P&D machine maintenance and Parkfolio system fees). The projected income stream for Victoria Common (Appendix 5) has been calculated using information gathered from a data usage survey and feedback from the District Parks Manager. Works costs consist of phase 1 works (improvements to the carriageway) and (phase 2) formed of internal recharges (i.e. engineer's fees, TROs) and costs for surface works, machines and signage.

The project costs (£0.07m) will be met from service prudential borrowing. Revenue from the charging scheme will be used to fund the revenue prudential borrowing costs (Appendix 5) alongside the ongoing operational costs of maintaining Victoria Common. There will be no implementation costs to the trust.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions. Any additional report which Birmingham City Council officers may be required to process will likely need an Equality Impact Assessment.

Following feedback from the Committee and Victoria Common Friends Group, we aim to protect regular park users by offering a reduced rate for the first hour. The proposed rates will be:

- 50p for first hour
- £2.20 for 2-4 hours
- £3.30 for 4 hours+

Chargeable rates have been captured as part of the informal public consultation.

Victoria Common opens at 7am each day. In order to enable regular park visitors retain access to walk dogs/exercise we propose a charging period of 8am – 6pm. The chargeable period has been captured as part of the informal public consultation.

4.	Relevant background/chronology of key events:
4.1	Victoria Common is registered charity no. 1073595. The Common was first opened as a private park of by George Cadbury in 1897. That land was gifted to the local authority in 1905. The public open space at Victoria Common now extends to approximately 8.8 hectares but the trust element comprises approximately 7.45 hectares formed from four gifts of land (Appendix 6). While there are several pedestrian access points into the Common the sole vehicular access is by a right of way from Church Road. While a permissive right was allowed in the very first acquisition over this route it was only on 17 th December 1951 that a formal right of way was granted by the Trustees of the Birmingham Friends Halls (Society of Friends) who had also gifted 4.5 hectares of land to the park in 1914 and who still maintain a Friends Meeting House adjacent to Victoria Common.
4.2	The parcel of land containing the car parking area was gifted by Mrs E. M. Cadbury and others on 12 th March 1930. The car park area was formed sometime in the 1950's and has remain unchanged since.
4.3	Approval was given to a report introducing charges for car parking at Cannon Hill Park in trust on 1st March 2017 and that the Business Case appended thereto 'Introduction of Charges for Car Parking in Major City Parks - The Place Directorate' included proposals for the rolling out of charges elsewhere including Victoria Common. This report seeks approval to progress those proposals at Victoria Common to foster improvements at the park, to overcome existing parking issues and to form a long term revenue stream.
4.4	<p>Aims and Objectives of the Trust</p> <p>Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the objects of the trust. The terms of the Trust are that the land is to be maintained and used as a public recreation ground or open space. There are additional covenants against sale of alcohol and for the provision of fences etc.</p>
4.5	<p>Trustee Powers</p> <p>A trust's constitution is set out within the executed Trust Deed for each property which for these purposes is the various acquisition deeds referred to in section 4.1 and 4.2. There has been no subsequent amendment by any Scheme agreed with the Charity Commission nor is one required to implement the car parking proposals though it is appropriate to seek authority to obtain a Scheme should the need arise.</p>
4.6	<p>Trust Finances</p> <p>The land held in trust is open parkland with no other assets (except the car park and one of the few remaining Sons of Rest establishments), nor revenue stream. The trust is not able to fund the proposed works and the proposal by Birmingham City Council provides the opportunity to secure improvements and resolve ongoing issues.</p>
5.	<p>Evaluation of alternative option:</p> <p>To do nothing is not an option. The car park is very well used but the majority of the users are shoppers and nearby office workers attending the adjoining Open Reach (BT) offices seeking to avoid charges levied elsewhere in the vicinity and to the exclusion of the genuine park or nearby Library user. Parking frequently spills out to restrict the already narrow entrance road and has reached the point that the effective management of the Common is now being compromised. The trustees consent to works on the Trust land does not have to be given in this instance if they choose otherwise but the introduction of charges and controls and improvements are all dependent on each other and it is considered appropriate to allow the proposals to proceed.</p>

6. Reasons for Decision(s):

- 6.1 To secure improvements to Victoria Common, control fly parking in the area blocking the access and to ensure compliance with the Trust's Objectives and that facilities remain primarily available for park users.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Deed of Conveyance 12th March 1930
2. Report introducing charges for car parking at Cannon Hill Park in trust on 1st March 2017 and that the Business Case appended thereto 'Introduction of Charges for Car Parking in Major City Parks - The Place Directorate'

List of Appendices accompanying this Report :

1. Ward member consultation report
2. Stakeholder consultation report
3. Traffic issue feedback from consultation and suggested restrictions
4. Summary of informal consultation
5. Plan showing proposed improvement scheme, project costs and operational costs
6. Trust plan of Victoria Common

Appendix 1 –
Ward member consultation report

Ward members consulted

	Ward Member Note 9th November 2018	Ward Member Note 7th March 2019	Advance notice of consultation 27th-28th June 2019	Consultation pack shared 12th & 19th July 2019	Cabinet Member briefings May-September 2019	Ward meeting 17 th October 2019	Cabinet Member briefing 22 nd October 2019
Cabinet Member, Homes & Neighbourhoods/ Street Scene and Parks	✓	✓	✓	✓	✓		✓
Northfield	✓	✓	✓	✓		✓	
Kings Norton North	✓	✓	✓	✓			
Kings Norton South	✓	✓	✓	✓			
Longbridge & West Heath	✓	✓	✓	✓			
Rubery & Rednal	✓	✓	✓	✓			
Frankley & Great Park	✓	✓	✓	✓			
Allens Cross	✓	✓	✓	✓			
Weoley & Selly Oak	✓	✓	✓	✓			

Ward member responses

From: Matt Hageney
Sent: Friday, July 19, 2019 2:59 PM
To: Councillor Olly Armstrong
Cc: Michael Tierney; Sue Amey
Subject: RE: Victoria Common - informal public consultation

Hello Councillor

Further to my email dated 12th July, please see updated version of the consultation pack for the informal public consultation at Victoria Common, following feedback received. We have used this opportunity prior to the consultation to fine tune the consultation pack so that it helps residents and park users to make an informed choice.

As stated below, the consultation will run from 22nd July until 18th August. The consultation pack will be available upon request via the victoriacommonconsultation@birmingham.gov.uk mailbox and also at the two drop-in sessions. In addition, the pack is available via the BeHeard link below.

Residents and park users can register their views regarding the proposals by visiting <https://www.birmingham.gov.uk/VictoriaCommonparking> which contains a link to the BeHeard survey.

Best wishes

Matt Hageney
Partnership Manager
Parks & Nature Conservation, Neighbourhoods Directorate
Birmingham City Council
Kings Heath Park House
Vicarage Road
Birmingham B14 7TQ

Mobile: 07500 882961

From: Matt Hageney
Sent: Friday, July 12, 2019 3:56 PM
To: Councillor Olly Armstrong
Cc: Michael Tierney; Sue Amey
Subject: Victoria Common - informal public consultation

Hello Councillor

We are now in a position to begin the informal public consultation around the proposed introduction of parking charges at Victoria Common, on 22nd July. The informal public consultation will run for four weeks and will consist of two drop-in sessions (one afternoon

and one evening), clipboard exercises in the park, BeHeard survey (to be updated next week) and consultation mailbox (victoriacommonconsultation@birmingham.gov.uk)

We will be emailing local ward members, senior parks management, Trusts & Charities Committee chair and the Contact Centre in advance of the consultation – notifications will go out today. In addition we will be writing to local residents to make them aware of the consultation and to invite them to the drop-in sessions as well as displaying posters around the park at the vehicular and various pedestrian access points.

For the benefit of residents and park users to aid the consultation process we have put together a consultation pack, please see attached. The pack will be available upon request via the mailbox and at the drop-in sessions - we are currently looking into the option of uploading the pack onto the web to improve accessibility.

Thanks

Matt

From: Matt Hageney
Sent: Tuesday, July 09, 2019 8:38 AM
To: Councillor Olly Armstrong
Cc: Michael Tierney; Sue Amey
Subject: RE: Victoria Common - members note

Hello Councillor
Thanks for your email.

As per the briefing note we sent in March (attached), income from the car parking charges will be reinvested into the park both by way of improving infrastructure and facilities and by protecting existing services. The Parks Service (in partnership with BCC's Parking Operations Team) will manage the car park – there are no plans to outsource car park management to an external third party.

The park is held in trust as you rightly point out and so the outcome of the consultation will feed the report to the Trusts & Charities Committee seeking permission to proceed with the proposals. With the agreement of the committee, the income from the scheme will go towards the maintenance and upkeep of the park.

The consultation pack referenced below is nearing completion. Once it is signed off we will circulate a copy to you in advance of the public consultation.

The project team is happy to attend your next ward forum to update residents regarding the proposals and answer any queries they may have. If you could let us know the dates of your upcoming ward forums please.

Best wishes

Matt Hageney
Partnership Manager

Parks & Nature Conservation, Neighbourhoods Directorate
Birmingham City Council
Kings Heath Park House
Vicarage Road
Birmingham B14 7TQ

Mobile: 07500 882961

From: Councillor Olly Armstrong
Sent: Monday, July 08, 2019 12:20 PM
To: Matt Hageney
Cc: Michael Tierney; Sue Amey
Subject: RE: Victoria Common - members note

Hi Matt; if the car park has a charge, where will the money go? Who decides who manages the car park?

Is the park in a trust like mannor farm, meaning the trust should take all money to sow back into the park?

Olly Armstrong
Northfield Ward Councillor
Labour Group Campaign Officer
07548122204
@Olly4Northfield

From: Matt Hageney <Matt.Hageney@birmingham.gov.uk>
Sent: 27 June 2019 11:02
To: Councillor Olly Armstrong <Olly.Armstrong@birmingham.gov.uk>
Cc: Michael Tierney <Michael.Tierney@birmingham.gov.uk>; Sue Amey <Sue.Amey@birmingham.gov.uk>
Subject: RE: Victoria Common - members note

Hello Councillor

To update you on the proposed introduction of parking charges at Victoria Common, we have sought permission from Councillor O'Shea to begin an informal public consultation on the proposals. A formal public consultation will follow in the future once approval has been granted by the Trusts & Charities Committee to proceed with the project.

The dates of the informal consultation are yet to be confirmed as we currently undertake preparatory work on the consultation, although we are aiming for mid-July. We can confirm, however, the informal consultation will take place over 4 weeks and consist of:

- BeHeard questionnaire
- Face to face/clipboard exercises with park users/visitors to the car park
- Email mailbox – victoriacommonconsultation@birmingham.gov.uk
- Drop-in sessions for residents/park users (one evening and one afternoon session)

Can we please request the dates of your ward forum meeting in July/August so we can attend and discuss the proposals with residents/take any questions they may have?

We are currently producing a consultation pack to be shared at the drop-in sessions and available via email upon request. Once finalised and signed off, we will share a copy with you in advance of your ward forum meeting.

Best wishes

Matt Hageney
Partnership Manager
Parks & Nature Conservation, Neighbourhoods Directorate
Birmingham City Council
Kings Heath Park House
Vicarage Road
Birmingham B14 7TQ

Mobile: 07500 882961

From: Matt Hageney
Sent: Tuesday, March 12, 2019 9:32 AM
To: Councillor Olly Armstrong
Cc: Michael Tierney; Sue Amey
Subject: RE: Victoria Common - members note

Hello Councillor

We are happy to attend your ward forum meeting to discuss the proposals when the public consultation goes live.

For reference, we are planning a 4 week public consultation – dates to be confirmed.

Best wishes

Matt

From: Matt Hageney
Sent: Friday, March 08, 2019 7:13 AM
To: Councillor Olly Armstrong
Subject: FW: Victoria Common - members note

Hello Councillor

As requested, below is the email from 9th November with the attachment sent at the time.

As you'll note from the members note sent yesterday, the proposals have been updated following discussions with the Trusts & Charities Committee and Victoria Common Friends Group.

Matt

From: Matt Hageney
Sent: Friday, November 09, 2018 2:41 PM
To: Councillor Olly Armstrong; Councillor Peter Griffiths; Councillor Alex Aitken; Councillor Debbie Clancy; Councillor Brett O'Reilly; Councillor Adrian Delaney; Councillor Simon Morrall; Councillor Eddie Freeman; Councillor Tristan Chatfield; Councillor Julie Johnson
Cc: Councillor Sharon Thompson; Steve Hollingworth
Subject: Victoria Common - members note

Hello Councillors

Please find attached a members note regarding the proposals for Victoria Common and the carriageway into the park / car park.

Regards

Matt Hageney
Partnership Manager, Parks
Birmingham City Council
Kings Heath Park House
Vicarage Road
Birmingham B14 7TQ

Mobile: 07500 882961

From: Councillor Olly Armstrong
Sent: Thursday, March 07, 2019 8:51 PM
To: Matt Hageney
Subject: Re: Victoria Common - updated members note

Hi Matt, I cant find the email from 9th nov? Can you forward please.

Thank you!

Olly Armstrong
Northfield Ward Cllr

----- Original Message -----

From: Matt Hageney <Matt.Hageney@birmingham.gov.uk>
Date: Thu, 7 Mar 2019 13:47
To: Councillor Olly Armstrong <Olly.Armstrong@birmingham.gov.uk>
Subject: RE: Victoria Common - updated members note

Hello Councillor

I emailed the local ward members below on 9th November with the original consultation note for members, detailing the proposals.

Apologies if you missed the email.

Best wishes

Matt

From: Councillor Olly Armstrong
Sent: Thursday, March 07, 2019 12:33 PM
To: Matt Hageney
Subject: Re: Victoria Common - updated members note

Hi Matt; I have no memory of being consulted on this before today.

I may have missed emails, or forgotten a conversation. Have we already been informed of this? It will certainly be unpopular.

Olly Armstrong
Northfield Ward Cllr

----- Original Message -----

From: Matt Hageney <Matt.Hageney@birmingham.gov.uk>
Date: Thu, 7 Mar 2019 11:56
To: Councillor Olly Armstrong <Olly.Armstrong@birmingham.gov.uk>, Councillor Adrian Delaney <Adrian.Delaney@birmingham.gov.uk>, Councillor Alex Aitken <Alex.Aitken@birmingham.gov.uk>, Councillor Peter Griffiths <Peter.Griffiths@birmingham.gov.uk>, Councillor Debbie Clancy <Debbie.Clancy@birmingham.gov.uk>, Councillor Brett O'Reilly <Brett.O'Reilly@birmingham.gov.uk>, Councillor Simon Morrall <Simon.Morrall@birmingham.gov.uk>, Councillor Eddie Freeman <Eddie.Freeman@birmingham.gov.uk>, Councillor Tristan Chatfield <Tristan.Chatfield@birmingham.gov.uk>, Councillor Julie Johnson <Julie.Johnson@birmingham.gov.uk>
CC: Councillor Sharon Thompson <Sharon.Thompson@birmingham.gov.uk>, Steve Hollingworth <Steve.Hollingworth@birmingham.gov.uk>
Subject: Victoria Common - updated members note

Hello Councillors

Please find an updated consultation note for the proposed introduction of charges at Victoria Common and associated health & safety improvement works for the carriageway into the park.

For your information, we plan to complete the stakeholder consultation in March; the public consultation is expected to be completed in April. Subject to the outcomes of the public consultation, we would look to implement charges in summer 2019.

Regards

Matt Hageney
Partnership Manager, Parks
Birmingham City Council
Kings Heath Park House
Vicarage Road
Birmingham B14 7TQ

Mobile: 07500 882961

7th March 2019

Dear Ward Member

Introduction of Car Parking Charges at Victoria Common Park

As you will be aware, Birmingham City Council is facing an increasingly challenging budget position. As part of the City Council budget for 2018/19, the Parks Service has been asked to make a significant contribution to the saving. To mitigate the impact of potential reductions in grounds maintenance of parks and open spaces we are looking at opportunities to generate income.

One of the ways we are planning to safeguard services and improve safety through better parking infrastructure is to introduce charges for car parking at Victoria Common. Current usage at the car park is by nearby businesses and so the introduction of charges it is hoped will help free up parking spaces for visitors to the park. As part of the proposals we have consulted with the Society of Friends (landowners for the carriageway into the car park) and sought permission to make improvements to the carriageway as well as include a much safer pedestrian walkway.

We have consulted with the Friends of Victoria Common who are supportive of the proposals subject to conditions: 50p first hour rate, charging from 8am (rather than 7am), consultation on proposed traffic restrictions to include Heath Road South and a statement on car park signage that states, "Income from this car park is spent on maintaining Victoria Common".

The stakeholder consultation will be completed in February/March; the public consultation will follow.

We are proposing to introduce a modest charging structure of 50p for first hour, £2 for 2-4 hours to £3 for 4 hours+. This will be kept under review, to ensure this does not have a detrimental impact on the use of the park and other facilities in the immediate area. We are extremely mindful of the potential impact displacement parking may have as a result of the proposed charges and so we will be consulting with residents and nearby stakeholders regarding possible traffic restrictions to mitigate against this.

We are committed to re-investing any income that we generate from this scheme into the park, both by way of improving infrastructure and facilities and by protecting existing services.

If you would like to meet to discuss this proposal in more detail, or have thoughts on how we could raise income or save money within our parks then please contact me.

Yours sincerely

Steve Hollingworth
Service Director – Neighbourhoods
Sport, Events, Open Space, Wellbeing and Culture

Please reply to:

Steve Hollingworth
PO Box 2122
Margaret Street
Birmingham, B3 3BU

Steve.Hollingworth@birmingham.gov.uk
0121 464 203

www.birmingham.gov.uk/parks

Appendix 2 - Stakeholder Consultation Report

Internal Consultation		
Date	Stakeholder	Discussion summary
9 November 2018 & 27 June; 9, 12 and 19 July 2019; 17th October 2019	Councillor Olly Armstrong (Northfield)	Members briefing note sent to local ward member in November 2018. Emailed local ward member in June with notification of upcoming informal public consultation – Councillor Armstrong was in attendance at some of the consultation events. Attended the Northfield Ward Forum meeting in October 2019 to update the councillor and attendees
9 November 2018, 7 March, 28 June, 12 and 19 July 2019	Councillor Eddie Freeman (Allens Cross); Councillor Simon Morrall (Frankley Great Park); Councillor Adrian Delaney (Rubery & Rednal)	Emailed ward members in June with advance notification of upcoming informal public consultation
2 May 2019	Northfield Library	Shared stakeholder note and met with the Library manager. Generally supportive of the improvement to the car park surface however unsupportive of there being a charge to park - several members of staff park at Victoria Common. The manager suggested an annual parking permit for the car park which was refused due to the size of the car park
1 May 2019	Birmingham Adult Education Centre	Stakeholder consultation note delivered. Meeting with the manager who was supportive of the proposals
23 January, 23 March 2019	Trusts & Charities Committee	Submitted report to Committee on 23 January. Updated report submitted 23 March. Findings of informal public consultation will be included in

		updated report and resubmitted to Committee for September's meeting
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External Consultation		
Date and Summary	Who Consulted with	Discussion summary
8 November 2018, 17, 21, 30 January, 16 February 2019	Society of Friends	Supportive of BCC's proposals. As landowner for the carriageway, authorisation was granted for BCC to carry out the proposed carriageway improvement works i.e. to install a safe pedestrian access route along Meeting House Lane
22 March 2019	Northfield Grosvenor Shopping Centre	Shared stakeholder note – no response
23 March 2019	Bournville Village Trust	Shared stakeholder note – generally supportive of the improvement to the car park surface. Unsupportive of there being a charge to park at Victoria Common - several members of staff park at Victoria Common
25 March 2019	Meeting House Lane (owners of garages)	Hand delivered consultation note to the three home owners of the garages. Three garage owners are supportive of the proposals due to their garage access being blocked regularly
29 May 2019	Oulsnams Estate Agents	Shared stakeholder note and met with Oulsnam on 7 June 2019. Generally supportive of the improvement to the car park surface. Unsupportive of there being a charge to park - several members of staff park at Victoria Common. They suggested an annual parking permit for the car park which was refused due to the size of the car park and Parks'

		priority of protecting the car parks availability for the use of park visitors
6 June 2019	Northfield Ecocentre	Shared stakeholder note – did not wish to meet, no concerns
Date and Summary	Who Consulted with	Discussion summary
Summer 2018	Birmingham Open Spaces Forum	Generally supportive of the proposals as long as the income is to be re-invested into the park
Summer 2018 – Spring 2019	Victoria Common Friends of Group	<p>Informal discussions took place with the Victoria Common Friends Group in Summer 2018 when car parking charges was formally agreed by Cabinet. A stakeholder note was relayed to the group in February 2019 and the District Parks Manager attended a Friends Group meeting that month. The Friends do not have an issue with charging given the nature of parking currently (i.e. by local businesses etc). The Friends made the following suggestions:</p> <ul style="list-style-type: none"> • Consultation around potential for traffic restrictions on local roads to include Heath Road South (currently problematic due to hospital displacement and conflict at peak times for school pick up and drop off) • Would prefer first hour of parking to be free (e.g. charging from 8am) but a reduced rate is acceptable i.e. 50p for first hour, £2 for 4 hours, £3 for 4 hours plus • Any signage should include the following statement, "Income from this car park is spent on maintaining Victoria Common" as visitors will then be more accepting of the scheme • An all-day rate should be in place to capture staff of local businesses and to guarantee income levels.

Appendix 3 – traffic issue feedback and suggestions

Road	Feedback	Suggestions
St Laurence Road	St Laurence Road is used for parking from visitors to park, hospital, Grosvenor Centre	<i>Restrictions on junction with Heath Road South?</i>
	Can be a crossing hazard for children, elderly, mums with pushchairs	<i>Single yellow restrictions along St Laurence Rd?</i>
	Parking near junction with Heath Road South blocks view of traffic around the corner	
	Speed bumps have not slowed speed of traffic (especially in the evening)	
	Hedge on the corner of St Laurence Road & Heath Road South is so high it restricts drivers' views	
Chatham Road	People who work in Northfield park here all day, we need double yellow lines	<i>To be discussed with Highways engineer</i>
	People off Maas Road park on Chatham - they should get a permit	
	Pushchairs, mobility scooters, wheelchairs cannot get through (parking on pavement)	
	Drivers also park on private land	
Innage Road Dinmore Avenue Heath Road South	Why are parking restrictions prioritised over speed restrictions? e.g. Council approved 20 MPH limit for these roads but 4 years later still not implemented?	<i>To be discussed with Highways engineer</i>
	Time restrictions required	<i>Mon-Fri 8am-6pm, 2 hour limit, no return within 2 hours</i>
Heath Road South	Displaced traffic from introduction of parking charges will add to already congested and dangerous school run traffic, especially at the top end near the school. The lives of children will be put at increased risk by the displaced traffic	<i>Timed restrictions to prevent all day parking? Mon-Fri 8am-6pm, 2 hour limit, no return within 2 hours</i>
	People will park on Heath Road South rather than pay to use the car park. Our road already has an increase of works from the ROH parking all day - this will be added to	
Innage Road	Parking on one side of Innage Road only	<i>To be discussed with Highways engineer</i>
	Parking on pavement to be restricted (half on, half off)	
	20 MPH or less on all roads around the school	
	Please remember to protect our grass verges - possibly by banking up kerbs	

Road	Feedback	Suggestions
Cornfield Road	Timed parking restrictions required	Mon-Fri 8am-6pm, 2 hour limit, no return within 2 hours
Great Stone Road	Timed parking restrictions required	Mon-Fri, 8.30am-12.30pm, 12.30pm-5.30pm - alternating across sides of road

Appendix 4 – Proposed introduction of charges at Victoria Common
– summary of informal consultation

The informal public consultation on the proposed parking charges at Victoria Common ran for 4 weeks - from 22nd July to 18th August.

During the consultation period, two face-to-face clipboard exercises were completed with users in the park/visitors to the car park. 70 responses were collected from these exercises. In addition, a BeHeard survey took place and 124 individuals registered their views.

Two drop-in sessions (one afternoon, one evening) were held for residents and park users. Letters were hand delivered to 460 households on roads surrounding the park inviting residents to the drop-in sessions and posters were displayed around the park pedestrian and vehicular entrances. 31 attendees met with members of the project team to discuss the proposals and register their preferences for on-street traffic restrictions.

A total of 194 views were collected as part of the informal consultation.

Findings Summary

Of the 194 views received, 98% were residents of Birmingham and 101 lived within a B31 postcode.

Of the 194 views received, 51 individuals (26%) answered the question that asked “what do you think a reasonable level of charging would be?” Of these 51 respondents, 90% agreed with the proposed rates i.e. 50p first hour, £2 for up to 4 hours, £3 for 4 hours plus.

74 individuals of the 194 respondents (38%) opted to provide alternatives to the proposed charging rates. Of the 74 recorded views:

- 17 suggested a rate of 50p per hour (which is the equivalent of the proposed rates above)
- 11 suggested a rate of up to 50p per hour
- 10 suggested parking for the first hour (at any time) should be free
- 10 suggested a maximum stay period should be introduced
- 7 suggested an additional rate to be added to the proposed rates, for the benefit of library visitors e.g. 50p for 2 hours

In total, 125 individuals (64%) responded with a preference or suggestion for a chargeable rate. 71 individuals (36%) expressed their preference for parking to remain free.

We asked for respondents' views around the investment wish list for the park as suggested by the District Parks Manager for Victoria Common:

- Of the 184 respondents to the suggestion to invest in the future upgrade and refurbishment of the car park and site infrastructure, 79% agreed or strongly agreed
- 181 respondents recorded a view regarding the suggestion to enhance the horticultural features at the park (including replacement tree planting). Of these 181 respondents, 73% agreed or strongly agreed
- 58% of the 178 respondents to the suggestion to safeguard heritage features (such as Sons or Rest) agreed or strongly agreed
- Of the 167 respondents to the suggestion to improve interpretation and information for park users, 54% agreed or strongly agreed.

AVERAGE VISITOR NUMBERS - VICTORIA COMMON

	Jan-Feb	Mar-April	May-June	July-August	Sept-Oct	Nov-Dec	
Victoria Common							
Weekdays	65	65	90	90	65	65	
Weekends/BHs	65	65	90	90	65	65	
Weekday Income:	£98	£98	£140	£140	£98	£98	£28,098
Weekend/BH Income	£98	£98	£140	£140	£98	£98	£12,042

WINTER ASSUMPTIONS VIC COMMON

£3	4 hours plus
£2	1-4 hours
£0.5	up to 1 hr
	Free for disabled users with a blue badge
0.4	40% of cars parking for 1 hr
0.2	5% 4 hours plus
0.35	40% 1-4 hours
0.05	5% are blue badge holders

SUMMER ASSUMPTIONS VIC COMMON

£3	4 hours plus
£2	1-4 hours
£0.5	up to 1 hr
	Free for disabled users with a blue badge
0.3	30% of cars parking 1 hr
0.1	10% 4 hours plus
0.55	55% 1-4 hours
0.05	5% are blue badge holders

TOTAL INCOME

	Annual
Victoria Common	£40,140
Season Tickets	
GROSS INCOME	£40,140
NET INCOME (VAT removed)	£32,112

ADDITIONAL REVENUE COSTS

Repayment costs	
Operational Costs	£1,440
NET POSITION	£30,672

Ongoing car park operational costs - annual

	External	Internal
Meter tickets (65,000)	£ 192	
Cash collection (once a week)		£ 500
Parkeon - maintenance contract (2 machines)	£ 435	
Parkeon - Parkfolio system (2 machines)	£ 312	
Business rates		£ -
	<u>£ 940</u>	<u>£ 500</u>

confirmed as zero rate

ANNUAL OPERATIONAL TOTAL:	£ 1,440
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Victoria Common expenditure - annual

	Annual costs
Grounds Maintenance (including onsite operative)	£ 90,994
Buildings utilities and Pre Planned Maintenance	£ 6,058
Ad hoc Repairs & Maintenance	£ 1,800
	<u>£ 98,852</u>

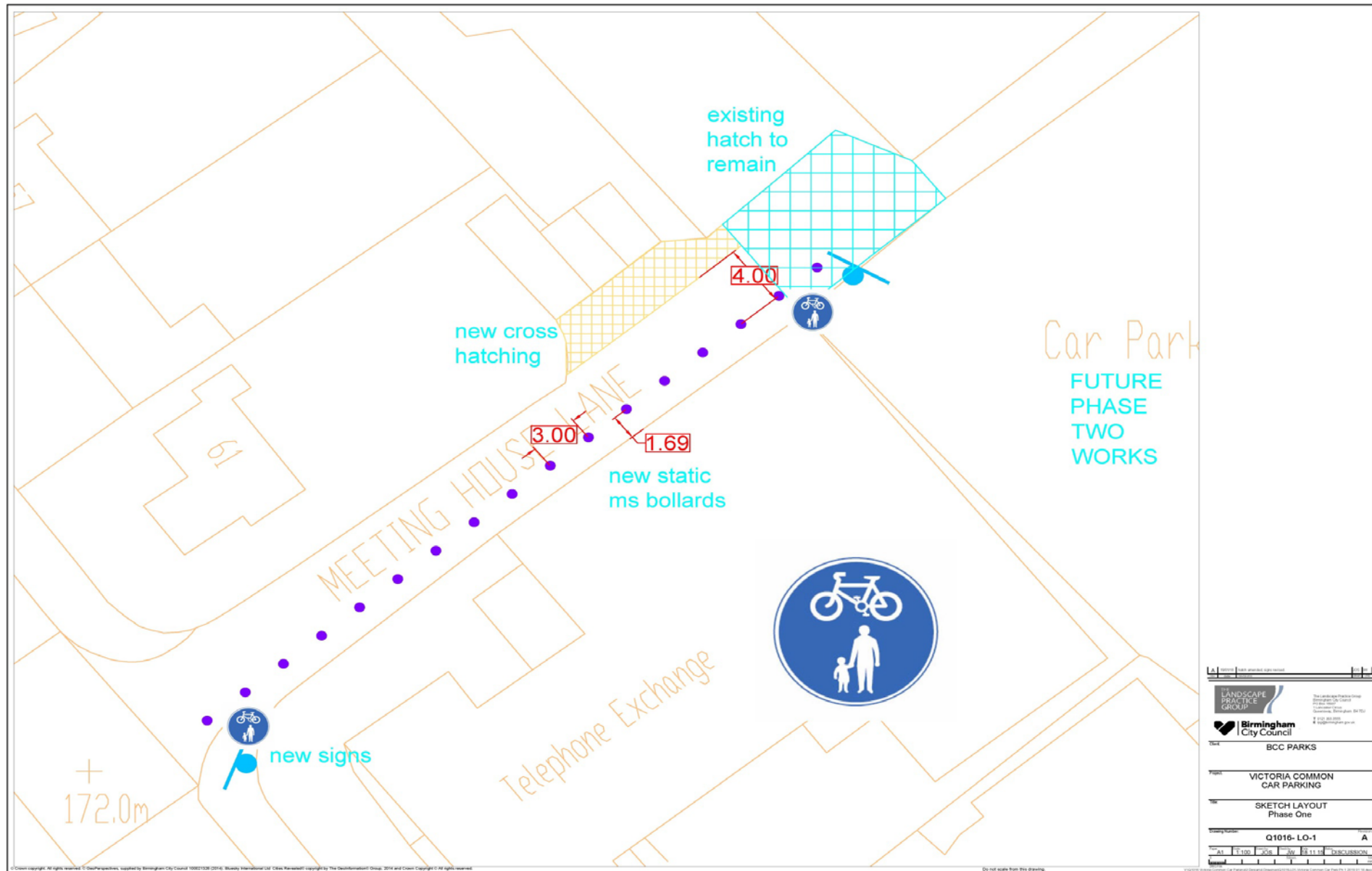
** Ad hoc costs vary dramatically (2018-19 = £9,500)*

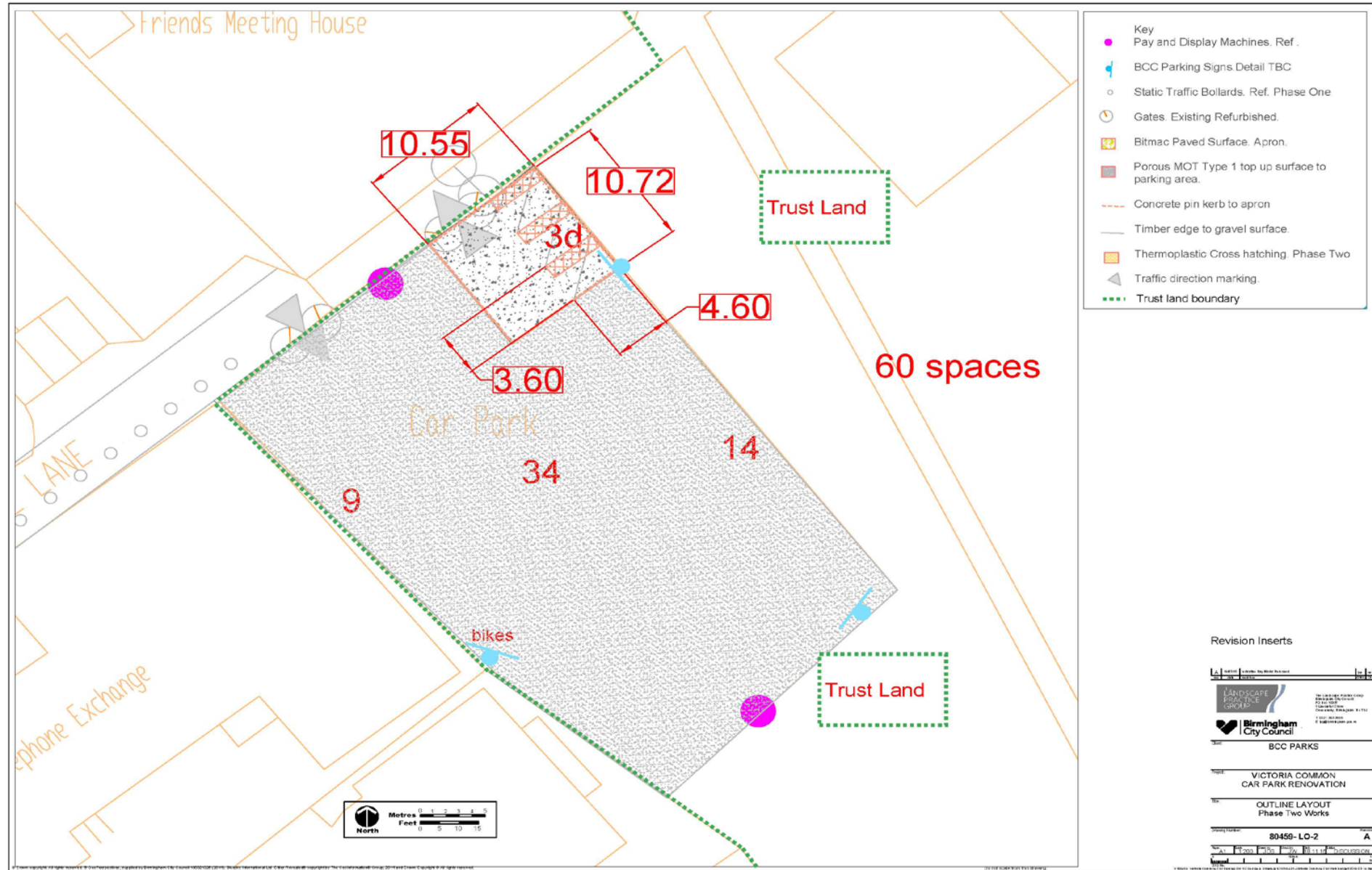
ANNUAL PARK EXPENDITURE TOTAL:	£ 98,852
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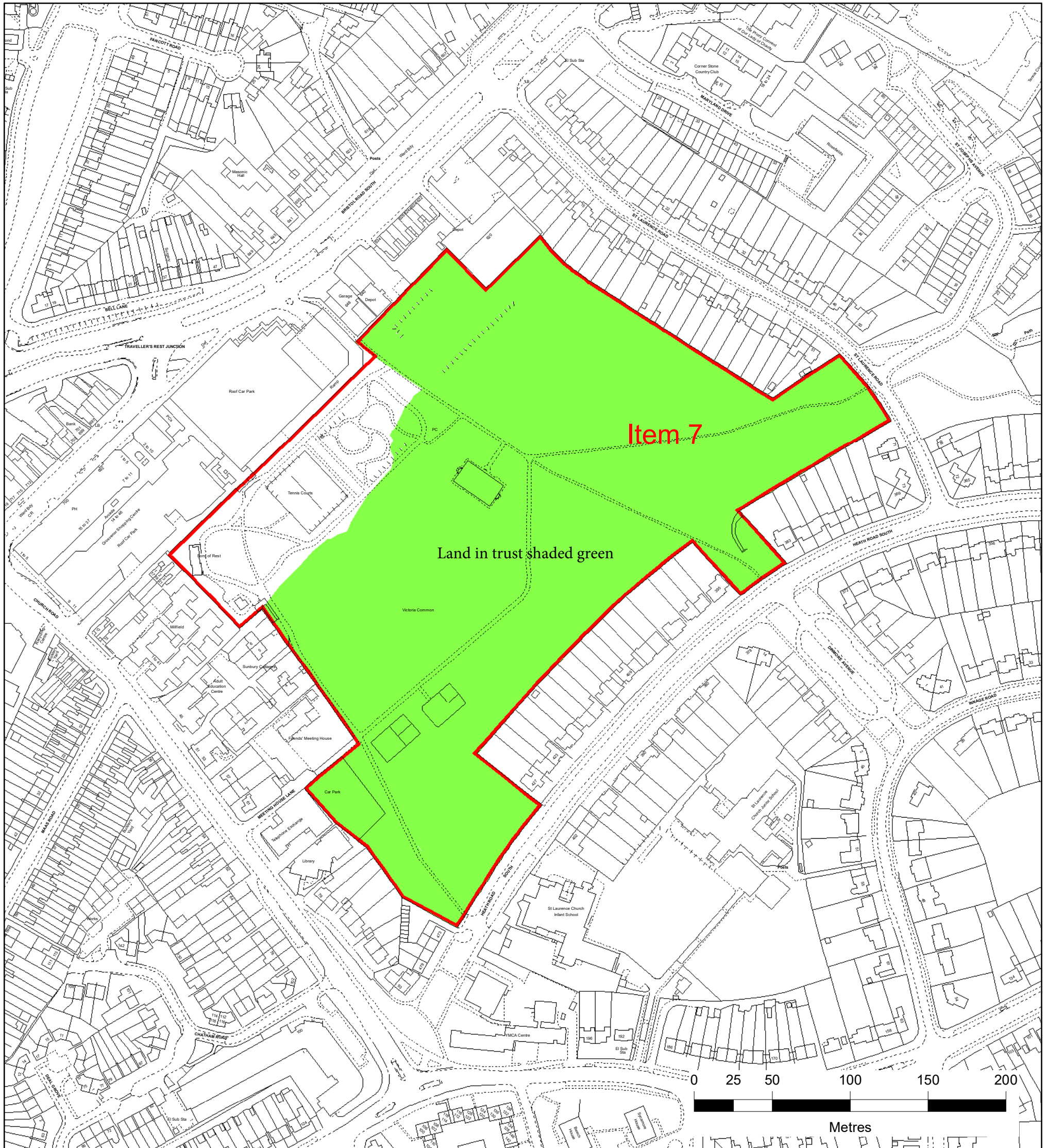
Appendix 5 - project costs

Estimated project costs

Phase 1 works (carriageway)	£7,759	<i>Quote from LPG - includes bollards, lining, signage</i>
Phase 2 works (car park)	£37,449	<i>Quote from LPG - includes surface works, machines, signage</i>
TRO (incl. Highway's engineer fees)	£15,000	<i>Quote from Highways Team</i>
Project management fees	£10,000	
	<u>£70,208</u>	







AREA EDGED RED 8.79 HECTARES APPROX. 21.73 ACRES APPROX.

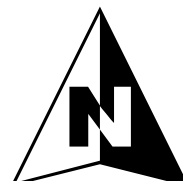
AREA SHADED GREEN 7.70 HECTARES APPROX. 19.00 ACRES APPROX.



Birmingham
City Council

Waheed Nazir
Director Inclusive Growth
1 Lancaster Circus
Birmingham
B2 2GL.

Victoria Common
(Trust Land In Green)
Northfield



SCALE

1:2,500 @ A3

DRAWN

Bharat Patel

DATE

04/09/2019

O.S.Ref SP0279NW

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director - Street Scene and Parks 22 January 2020
SUBJECT:	SMALL HEATH PARK – INSTALLATION OF THE INTERNATIONAL MOTHER LANGUAGE MONUMENT
Wards affected:	Small Heath

1. Purpose of report:

- 1.1 To seek approval to the installation of an International Mother Language Monument in Small Heath Park.

2. Decisions recommended:

That the Committee notes that an application for planning permission for the monument has been submitted by the International Mother Language Monument Project on land in Small Heath Park as shown in Appendix 1.

and the Committee recommends that

- 2.1 subject to the satisfactory resolution of the planning application, the on-going consultation and discussions on future maintenance to enable the erection and dedication of the monument on land in Small Heath Park
- 2.2 as soon as the above matters are properly resolved to advance the recommendation of the Trusts and Charities Committee to the next available meeting of the Council as Trustee for approval, if required
- 2.3 approval be given to the negotiation and settlement of the terms for the installation and occupation of land or of any disposal necessitated by the installation being delegated to the Assistant Director of Property
- 2.4 authorises the City Solicitor to place any formal advertisements required under s120-123 of the Local Government Act 1972 for the loss of public open space (if any) temporarily or permanently or as required under any of the various statutes as may relate to the charitable status of the land, to monitor all consultation stages and to appraise the Committee of the results of that consultation.
- 2.5 authorises the City Solicitor to make any further applications necessary for appropriate powers or approvals from the Charity Commission or other party or body as appropriate to agree to the disposal or use of the land and then to prepare, negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.

Lead Contact Officers:	Robert Churn Head of Landscape and Development – Neighbourhoods
Telephone No:	0121 303 3536
E-mail address:	Robert.Churn@birmingham.gov.uk
Telephone No:	Nigel Oliver Property Manager 0121 303 3028
E-mail address:	nigel.g.oliver@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Internal

Sparkhill Park is held in trust and it is appropriate that the matter be considered via the Trusts & Charities Committee once officers in the Street Scene and Parks Service have considered all practical issues. The International Mother Language Monument Project are undertaking all local consultation and will report the results to the Street Scene and Parks Service. Consent by Parks officers will only be given if the consultation requirements have been fully complied with and the results considered to be satisfactory and agreement of the future maintenance of the monument and surrounds is agreed.

The local Ward Members are supportive of the proposals going forward.

The District Parks Manager is supportive and officers in the Landscape Practice Section are consulting with the 'Friends of the Park'.

External

No additional separate consultation is envisaged except where further consultation locally may be required to satisfy the requirements of the Charity Commission and the Charities Act 2011.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust document as amended by any Scheme approved by the Charity Commission.

Birmingham City Council holds a long leasehold interest being a 900 year lease from 29th September 1876 of the land comprising Small Heath Park in trust as Sole Corporate Trustee and is responsible for ensuring the Trust is managed in accordance with the lease as the governing document and in accordance with charity law and relevant Charity Commission guidance. Day-to-day management is delegated to the Parks Service via the Corporate Director for Place.

The installation of memorials on park land, whether in trust or not, is a suitable use for the land. Provided arrangements for the installation and for the on-going maintenance can be formally resolved the installation will be managed by the International Mother Language Monument Project but no disposal or lease of land is envisaged.

3.3 How will decisions be carried out within existing finances and resources?

The Committee has responsibility for ensuring the proper governance of the Trust in accordance with the objects of the trust and charity law. The Trustees must act with prudence and must ensure that the charity is and will remain solvent and that appropriate cost controls are in place. Financial arrangements for this installation are set out in section 4.6.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

4.1 Small Heath Park was formed from the original gift of 16.63 hectares of land from Miss Louisa Anne Ryland who also gave money for it to be laid out as a park which opened in 1879. The gift was by way of a long lease of 900 year lease from 29th September 1876. The terms of the gift require the Park to be used for 'providing for the inhabitants of the City, parks and other places of healthful and pleasurable resort'.

4.2 International Mother Language Day is a worldwide annual observance held on 21 February. Although initiated in Bangladesh Mother Language Day is part of a broader initiative to promote awareness of linguistic and cultural diversity and promote multilingualism. First announced by UNESCO on 17 November 1999, it was formally recognized by the United Nations General Assembly with the adoption of UN resolution 56/262 Multilingualism in 2002. It should be noted that International Mother Language Day events have been held at this Park for several years already with a temporary monument erected for the event. Also note that the original application was made for a monument with the central panel of 7.0m high panel and that in discussion with the planners the scale of the monument has been much reduced with the central panel now being 4.0m high and the others reduced proportionately.

4.3 The proposed monument will be one of several in Britain. The provision of any lighting and water to the memorial area will require additional underground pipes and wires but these will feed from existing services in the area and be minimal in their disruption. The work to install the memorial will be managed carefully by the Parks Service operatives. There should be little impact on the public areas of the Park generally.

4.4 The works may require a small compound to be formed in the Park. Proposals for this are being discussed and will be subject to a licence to be negotiated. It is requested that the works proceed urgently once planning consent is available. All appropriate local consultation will be completed including appropriate advertisements for the temporary loss of access to the open space during the contract, if necessary. Once constructed the memorial will be open to the public and there will be no permanent loss of public open space.

4.5 Aims and Objectives of the Trust

Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The specific objects of the trust are that Birmingham City Council shall hold the land as parkland. The installation of works of public art is consistent with the provision of parkland open to the public.

4.6 Trustee Powers

A trust's constitution is set out within the executed Trust Deed for each property principally the acquisition deeds as amended by a scheme agreed with the Charity Commission, if any. All decisions will be mindful of the original intention of the documents although routes exist for their amendment through Part 7 Charities Act 2011 or an Order or Scheme from the Charity Commission.

4.7 Trust Finances

The trust delegates the management of the park to the Birmingham City Council Street Scene and Parks Service who cover all costs and also collect income generated, if any, which would be used to partly offset the running costs incurred at the Park.

The proposed memorial installation is essentially a cost neutral proposal as far as the trust is currently concerned. The cost of the design and construction works will be fully funded by external capital through the International Mother Language Monument Project who will also provide assurances to BCC Street Scene and Parks Service that an effective maintenance regime will be put in place.

5. Evaluation of alternative option:

The memorial site has been selected after discussion with Parks Service officers. The site selected is suitable for the installation and for the annual ceremonies anticipated and the memorial is an attractive addition to the Park.

6. Reason for Decision(s)

- 6.1 The use of the land for the memorial and the celebration day is compliant with the Trusts Objects of operating a park open to the public.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Acquisition - lease dated 22nd December 1876

List of Appendices accompanying this Report (if any):

1. Planning Application 2019/06270/PA

INTERNATIONAL MOTHER LANGUAGE MONUMENT

SMALL HEATH PARK, YARDLEY

DESIGN AND ACCESS STATEMENT

Significance of 21st February

The area of Birmingham surrounding Small Heath Park is home to the largest Bangladeshi community in the city and one of the biggest in the UK. The Mother Language commemoration is an annual event that takes place in Small Heath Park on 21st February. The significance of this date lies in the fact that it was the day in 1952 when students from the University and colleges in Dhaka demonstrated in large numbers for the recognition of Bengali as their national language. The then government of East Pakistan countered the demonstration with violence and a number of students were killed. This event is commemorated for the courage the students showed in sacrificing their lives for their mother language.

Subsequently International Mother Language day was proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in November 1999. On 16th May 2009 the United Nations General Assembly called on its member states "to promote the preservation and protection of all languages used by people of the world". To this end and in recognition of the sacrifice in Dhaka, 21st February is now celebrated as the International Mother Language Day in many countries.

Significance of Small Heath Park

Small Heath Park is an important site for the Bangladeshi community. On 28th March 1971 thousands of Bangladeshis gathered there in support of Bangladesh's independence. This day is still observed each year at Small Heath Park by the Bangladeshi community in Birmingham and the West Midlands. Each year a temporary structure is built to mark the day and around 400 people gather before midnight on the eve of 21 February to pay their respects to those who lost their lives and to promote the freedom to speak one's mother tongue, peace and cultural diversity.

The need for a permanent fixture

There is an overwhelming interest and desire within the community for a permanent monument evidenced by the support shown by the numbers gathered each year, for the last 4 or 5 years around the temporary structure including the Bangladeshi Assistant High Commissioner. The structure will provide a cultural focus within the park and reflect its history as the first location where the Bangladesh flag was raised abroad following its recognition as an independent nation. It will also form a backdrop for events and community cultural activities throughout the year. To drive the project forward a committee, The International Mother Language Monument Project, has been established through the Assistant High Commissioner's office, which has raised funds for its erection and future maintenance.

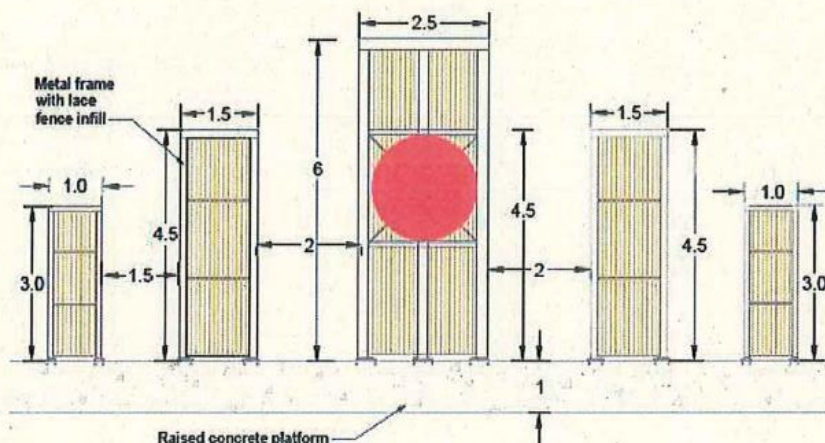
Location

The Council's Parks Service have identified an area within Small Heath Park that could be made available for the monument accessed from the main circulatory path to the north of the park adjacent to Coventry Road. This is an open area of grass set against a back drop of trees and the structure will be orientated to face into the park whilst still being visible from the public highway. It will be approached by a short path and a circular paved area. See location plan below:



Monument design and materials

The design of the structure is based on the original monument erected in Dhaka, and represents a mother and her family. It comprises 5 pieces of steel framework with the centre piece (the mother) standing 6m tall by 2.5m wide, the top third cantilevered, with a circular disc fixed to the centre of the frame at the front. The two pieces either side of the centre piece are 4.5m tall by 1.5m wide and the outer pieces are 3m tall by 1m wide. They all have infill panels of 16mm vertical round bars, are galvanised and polyester powder-coated in white with the circular disc in red. The five pieces are fitted via steel base plates to a 1m high by 2m wide polished concrete plinth arranged in an arc with a 500mm polished concrete seat in front engraved with some lines of poetry celebrating mother tongue.



Trees

The location has been chosen to impact minimally on the surrounding trees but it is required to remove one small struggling cherry tree. The structure and excavations for the foundations will be outside the root protection zones of the remaining trees which will create an attractive back drop to the monument. The removal of the tree has been discussed with the City's Principal Arboriculturist, Alan Wallbank who advised that this would be acceptable given its condition. Its shown below just behind the camera column.



Community Consultation

The International Mother Language Monument Project (IMLMP) has undertaken consultation within the local community and has a letter of support from Jess Philip's M.P. for Birmingham Yardley. The previous Bangladeshi Assistant High Commissioner presented the proposals last year to the Public Art Gateway Group and the IMLMP has met with the Friends of Small Heath Park, agreeing to present in due course the proposals to the Small Heath Ward Committee and the Trusts and Charities Committee, who manage the park on behalf of the Trust, and have been notified through this application.

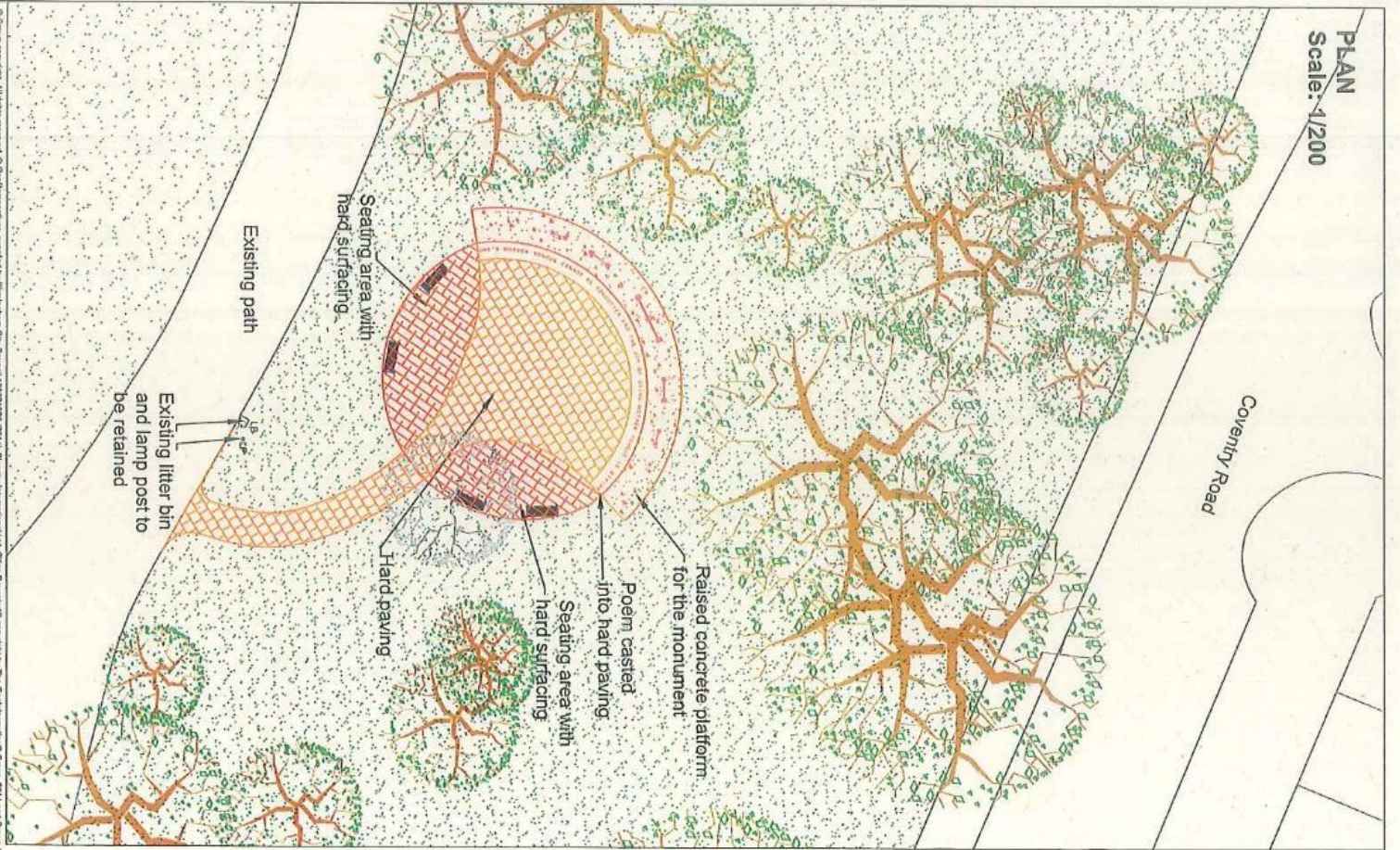
Programme

It is intended to complete the construction of the monument, subject to all necessary approvals by February 2020 in time for the 2020 International Mother Language day celebrations.

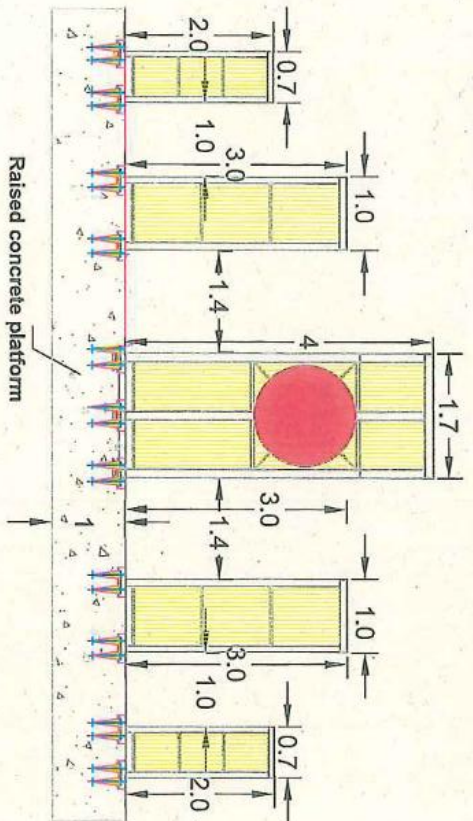
23rd July 2019

The Landscape Practice Group
Birmingham City Council
1, Lancaster Circus
Queensway,
Birmingham B2 2BL

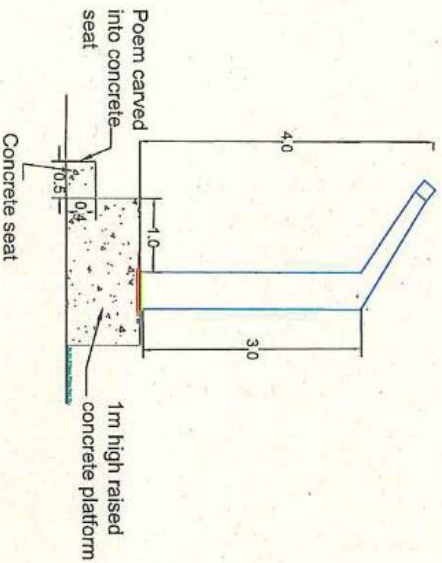
PLAN
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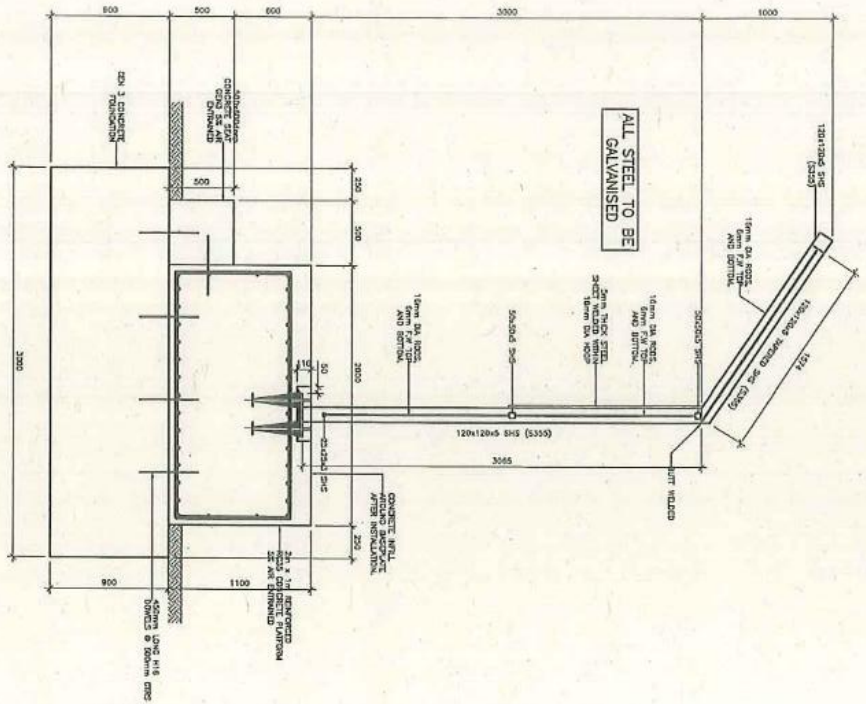
FRONT ELEVATION OF THE MONUMENT
Scale: 1/50



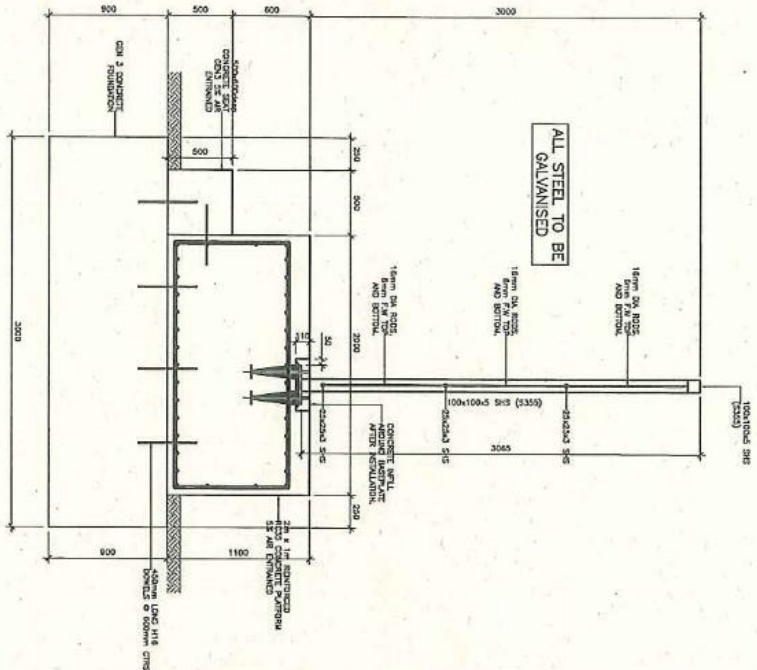
SIDE ELEVATION OF THE MONUMENT
Scale: 1/50



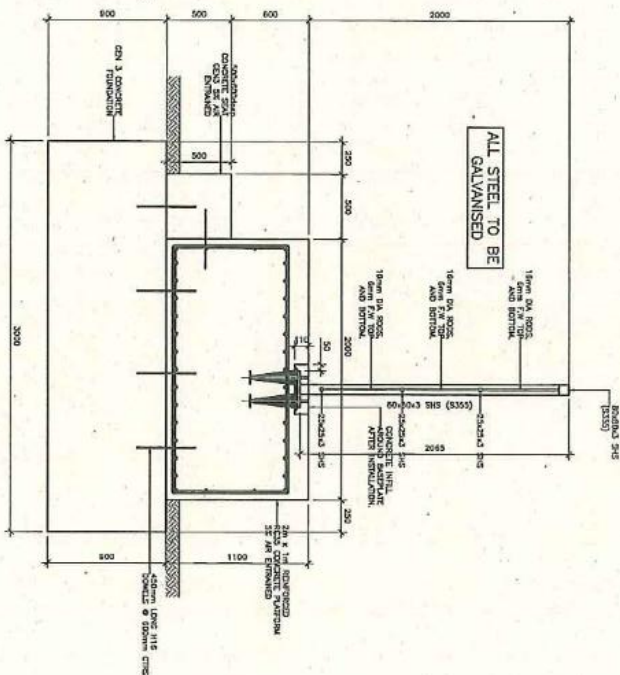




SECTION X1 - X1



SECTION X2 - X2



SECTION X3 - X3

NO	REVISION	DATE	BY	CHKD
1	ISSUED FOR CONSTRUCTION	11/07/19	11/07/19	11/07/19
2	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
3	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
4	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
5	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
6	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
7	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
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47	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
48	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
49	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19
50	REVISION TO THE FOUNDATION	11/07/19	11/07/19	11/07/19

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Foundation Details

Shireconsulting
The Old Rectory, 100 High Street, Birmingham, B1 1TT
Tel: 0121 222 2222
Fax: 0121 222 2222
Email: info@shireconsulting.co.uk
Web: www.shireconsulting.co.uk

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Integrated Service Head – Libraries
Date of Decision:	22 January 2020
SUBJECT:	BARTLEY GREEN LIBRARY – GRANT OF LEASE
Wards affected:	Bartley Green

1. Purpose of report:

- 1.1 To seek approval to obtain revised management powers for Bartley Green Library, held in trust, including a power of disposal which will enable the grant of leases, including a lease to the voluntary group proposing to operate the Library.

2. Decisions recommended:

That the Committee authorises

- 2.1 that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal including the disposal by way of a lease for up to 30 years.
- 2.2 from an early date to be agreed, the grant of a tenancy of up to three years to the 'Bartley Green Library Hub', a local community organisation, who will assist in the operation of the Library
- 2.3 that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval
- 2.4 delegates to the Assistant Director of Property authority 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
- 2.5 authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to apprise the Committee of the results of the applications and consultation.

Lead Contact Officer:	Nigel Oliver, Property Manager
Telephone No:	0121 303 3028
Email Address:	Nigel.g.oliver@birmingham.gov.uk
Lead Contact Officer:	Liz Parkes Community Library Service Manager
Telephone No:	0121 303 5738
E-mail address:	liz.parkes@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Officers in the Library Service have undertaken all consultation and included the continuation of service provision at this location in their Service review report entitled 'Community Library Service – consultation on tiered delivery model' dated 18 October 2016 and subsequently reported to Cabinet meeting dated 14 February 2017. This is designated a Tier 3: Supported Community Library – these would be run by a community provision supported by the Library Service or via a transferred facility. Ward Members have been fully involved in the proposal to manage the library via a community volunteer group and support the proposal. Further consultation regarding this report is not envisaged except where it may be required to satisfy the requirements of the Charity Commission in support of the applications to them.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision-making to the Trusts and Charities Committee with final decisions on a disposal of land or assets being made by Council as Trustee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust documents, as amended by any Scheme approved by the Charity Commission. As trustee the City Council is responsible for ensuring the Trust is properly managed in all regards.

Bartley Green Library is held freehold. The land was provided for a designated use and is regarded as 'specie land' by the Charity Commission. The trust deed does not expressly provide any powers to deal with the property or manage the trust and the Trust will need to make applications to the Charity Commission for appropriate modern management powers including powers of disposal of property. The provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal will not assist in this instance. Disposal in this instance may include freehold sale and also the grant of leases or tenancies or the management of the holdings by other parties.

3.3 How will decisions be carried out within existing finances and resources?

Duty of prudence – Trustees must ensure that the charity is and will remain solvent. The trustees are responsible for ensuring appropriate cost controls are in place. A lease is a disposal and any disposals will be conducted in line with statutory processes set out in the Charities Act 2011 and revenue ring-fenced and invested appropriately for the Charity. Any disposal, if approved, will be processed by officers in Legal Services and Birmingham Property Services and the valuation report will be undertaken by a qualified valuer. All future running costs for the premises will continue to be covered by the incoming tenant to be selected removing any potential burden from the Trust.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

- 4.1 The freehold interest of the land for Bartley Green Library was gifted to the Kings Norton and Northfield Urban District Council by Henry Adkins on 10th August 1904 and is recorded as a gift and is land held in trust. This is not a registered charity.
- 4.2 The transfer was subject to the requirement that within twelve months the Council should erect on the land a 'Reading Room' for the use of the residents of Bartley Green. The 'Reading Room' was opened in 1905 and known as Bartley Green Free Library. The Urban District Council was incorporated into the County Borough of Birmingham now Birmingham City Council in 1911.
- 4.3 The proposal to seek a Scheme or Order from the Charity Commission is necessary as the acquisition documents provide none of the powers required for the management of a modern trust nor any mechanism for change and currently there is no ability to provide an alternative use or users of the premises. It is a statutory requirement on the Trust to at all times seek to preserve and properly manage its assets. To do so also requires that all occupations be properly documented.
- 4.4 On the 19th June 1992 a Scheme was granted by the Charity Commission to enable the disposal of a portion of the land. No other powers were granted by that Scheme.
- 4.5 The report seeks approval to seek a scheme enabling leases of up to 30 years to be granted which will enable future flexibility particularly should larger bids for external grant monies need to be considered. At this stage the voluntary group initially seek only a three year lease.

4.6 Aims and Objectives of the Trust

Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the Objects of the trust. The specific objects of the trust are simply to 'use of the premises as a reading room / library. The occupation by the proposed group will enhance the opening hours and service provision at the Library.

4.7 Trustee Powers

A trust's constitution is set out within the executed Trust Deed for each property principally the acquisition deeds or as amended by a scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist or can be obtained for the Trustees to make decisions on the future of the assets including disposals except where an asset is regarded as 'specie' land.

4.8 Trust Finances

The sole asset of the trust is the library building and grounds. The trust has no revenue source or capital investments. The property to be leased is currently managed and maintained by Birmingham City Council Library Service but who are now seeking to enable to day to day operation of the library to be undertaken through a local voluntary community group and the grant of a lease or operational agreement will enable the group to apply for grants for the improvement of the property and enhance service delivery.

5. Evaluation of alternative option:

This report seeks approval to make applications to gain appropriate powers for improved future management and to enable a disposal of the property. The establishment of a local community group to assist with the library operations positively benefits the continuation of a library at this location and assists the objects of this trust. To do nothing is not an appropriate option as the future occupation of the asset requires to be properly regularised and this is most safely achieved by the grant of an appropriate lease.

6. Reasons for Decision(s):

- 6.1 To better safeguard the provision of services to the local community which services assist the trust to meet its objects around recreational and educational use of the asset.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Deed of Acquisition dated 10th August 1904

List of Appendices accompanying this Report (if any):

1. None.

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Integrated Service Head - Libraries
Date of Decision:	22 January 2020
SUBJECT:	STIRCHLEY LIBRARY – GRANT OF LEASE
Wards affected:	Stirchley

1. Purpose of report:

- 1.1 To seek approval to obtain revised management powers for Stirchley Library, held in trust, including a power of disposal which will enable the grant of leases, including a lease of first floor space to the voluntary group Stirchley Art Rooms CIC.

2. Decisions recommended:

That the Committee authorises

- 2.1 that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal including the disposal by way of a lease for up to 30 years.
- 2.2 from an early date to be agreed, the grant of a tenancy of up to three years to the Stirchley Art Room CIC, a local community organisation, who will assist in the operation of the Library
- 2.3 that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval
- 2.4 delegates to the Assistant Director of Property authority 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
- 2.5 authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to apprise the Committee of the results of the applications and consultation.

Lead Contact Officer:	Nigel Oliver, Property Manager
Telephone No:	0121 303 3028
Email Address:	Nigel.g.oliver@birmingham.gov.uk
Lead Contact Officer:	Liz Parkes Community Library Service Manager
Telephone No:	0121 303 5738
E-mail address:	liz.parkes@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Officers in the Library Service have undertaken all consultation and included the continuation of service provision at this location in their Service review report entitled 'Community Library Service – consultation on tiered delivery model' dated 18 October 2016 and subsequently reported to Cabinet meeting dated 14 February 2017.

Ward Members have been fully involved in the proposal to manage the library via a community volunteer group and support the proposal.

The Friends of Stirchley Library are supportive of the proposal.

Further consultation regarding this report is not envisaged except where it may be required to satisfy the requirements of the Charity Commission in support of the applications to them.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision-making to the Trusts and Charities Committee with final decisions on a disposal of land or assets being made by Council as Trustee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust documents, as amended by any Scheme approved by the Charity Commission. As trustee the City Council is responsible for ensuring the Trust is properly managed in all regards.

Stirchley Library is held freehold. The land was provided for a designated use and is regarded as 'specie land' by the Charity Commission. The trust deed does not expressly provide any powers to deal with the property or manage the trust and the Trust will need to make applications to the Charity Commission for appropriate modern management powers including powers of disposal of property. The provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal will not assist in this instance. Disposal in this instance may include freehold sale subject to further approvals from the Committee and also the grant of leases or tenancies or the management of the holdings by other parties.

3.3 How will decisions be carried out within existing finances and resources?

Duty of prudence – Trustees must ensure that the charity is and will remain solvent. The trustees are responsible for ensuring appropriate cost controls are in place. A lease is a disposal and any disposals will be conducted in line with statutory processes set out in the Charities Act 2011 and revenue ring-fenced and invested appropriately for the Charity. Any disposal, if approved, will be processed by officers in Legal Services and Birmingham Property Services and the valuation report will be undertaken by a qualified valuer. All future running costs for the premises will continue to be covered by the incoming tenant to be selected removing any potential burden from the Trust.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

- 4.1 The freehold interest of the land for Stirchley Library was gifted to the Kings Norton and Northfield Urban District Council by Cadbury Brothers Limited on 18th September 1904 and is recorded as a gift and is land held in trust. It is not a registered charity.
- 4.2 The Library was constructed by the Council with funding provided by the Carnegie Foundation and although detached is a contiguous part of the complex of community buildings including the former Stirchley Baths now the Stirchley Hub Community Centre. The library was fully opened in 1906 and known as Stirchley Free Library. It was Listed Grade 2 on 20th November 1998. The Urban District Council was incorporated into the County Borough of Birmingham now Birmingham City Council in 1911.
- 4.3 The proposal to seek a Scheme or Order from the Charity Commission is necessary as the acquisition documents provide none of the powers required for the management of a modern trust nor any mechanism for change and currently there is no ability to provide an alternative use or users of the premises. It is a statutory requirement on the Trust to at all times seek to preserve and properly manage its assets. To do so also requires that all occupations be properly documented.
- 4.4 Stirchley Art Room CIC company no. 11963099 was incorporated on 25th April 2019 and already provided volunteers to assist the operation of the library. They seek a lease of space on the first floor which they will fully refurbish at their own cost and with external grants.
- 4.5 The report seeks approval to seek a scheme enabling leases of up to 30 years to be granted which will enable future flexibility particularly should larger bids for external grant monies need to be considered. At this stage, however, the CIC initially seek only a three year lease.
- 4.6 **Aims and Objectives of the Trust**
Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the Objects of the trust. The specific objects of the trust are simply to 'use of the premises as a reading room / library.
- 4.7 **Trustee Powers**
A trust's constitution is set out within the executed Trust Deed for each property principally the acquisition deeds or as amended by a scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist or can be obtained for the Trustees to make decisions on the future of the assets including disposals except where an asset is regarded as 'specie' land.
- 4.8 **Trust Finances**
The sole asset of the trust is the library building and grounds. The trust has no revenue source or capital investments. The property to be leased is currently managed and maintained by Birmingham City Council Library Service but who are now seeking to enable to day to day operation of the library to be undertaken through a local voluntary community group and the grant of a lease or operational agreement will enable the group to apply for grants for the improvement of the property and enhance service delivery.

5. Evaluation of alternative option:

This report seeks approval to make applications to gain appropriate powers for improved future management and to enable disposal of the property. To do nothing is not an appropriate option as the future occupation of the asset requires to be properly regularised and this is most safely achieved by the grant of an appropriate lease.

6. Reasons for Decision(s):

6.1 To better safeguard the provision of services to the local community which services assist the trust to meet its objects around recreational and educational use of the asset.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Deed of Acquisition dated 19th September 1904

List of Appendices accompanying this Report (if any):

1. None.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Philip Edwards, Assistant Director – Transport and Connectivity
Date of Decision:	22 January 2020
SUBJECT:	YOUNG ACTIVE TRAVEL TRUST GRANTS
Wards affected:	South Yardley, Sparkhill, and Yardley West & Stechford.

1. Purpose of report:

1. To seek the approval of the Committee to applications for funding from the Young Active Travel in Birmingham Charitable Trust, as set out below.
2. To update the Committee about the Trust's financial position as at 22 January 2020.

2. Decision(s) recommended:

That the Committee:

1. Approves the applications for funding from the schools listed at point 4.6 below, totalling £3,000.
2. Notes the remaining balances available to the Young Active Travel in Birmingham Charitable Trust for future disbursement.

Contact Officers:
Telephone No:
E-mail Addresses:

Jennifer Coombs
Principal Travel Demand Management Officer
Transport & Connectivity – Inclusive Growth Directorate
07867 469716
jennifer.coombs@birmingham.gov.uk

Paul Ruffle
Senior Travel Demand Management Officer
07766 924322
paul.ruffle@birmingham.gov.uk

3. Compliance Issues:

3.1 Consultations

The grants will be awarded in accordance with the Mechanics of Funding Protocol agreed by this Committee on 14 December 2016 and no further consultation is required. The officer panel reviewing the applications consists of representatives from Inclusive Growth: School Crossing Patrols and the Travel Demand Management Team, Education, and Finance and Governance.

3.2 Relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council is the Sole Corporate Trustee for a number of charitable trusts ("charities") including Young Active Travel in Birmingham and the day-to-day management of these charities is delegated to the Council's Trusts and Charities Committee.

Each charity is governed by the Deed under which it was established, and/or a Charity Commission Scheme. These documents set out the Trustees' powers, as well as the objects or purposes for which the charitable trust was created.

Assets held in trust by a charity are ultimately for the benefit of the public (beneficiaries) and any dealing in these assets and any income derived from them, is legally required to be dealt with, and accounted for, separately from the Corporate Property Portfolio/assets of the City Council. Charities must be managed in accordance with the objectives and rules laid down in their Trust documents.

It is the legal duty of Trustees to ensure that the charity is managed in accordance with the Trust objectives and, accordingly, there is a legal duty upon the City Council when it acts as the Sole Corporate Trustee. This duty extends to acting in the best interests of the charity and its beneficiaries at all times or making decisions which are expedient in the interests of the charity (as opposed to the City Council.)

All charity Trustees also have a legal duty to avoid conflicts of interest, and self-dealing (which prohibits a trustee from buying trust property and makes a sale by a trustee to himself voidable by any beneficiary). All decisions made by Council's Trusts and Charities Committee are subject to prior review by the Council's City Solicitor and Monitoring Officer to ensure that decisions are made in accordance with charity law having regard to any relevant Charity Commission guidance.

3.3 Finances

The Trustee secured the sum of £100,000 as the initial fund to be applied in furthering the objects and purposes of the Charity. This income is available for immediate use. This is comprised of a contribution of £75,000 from the City Council and £25,000 sponsorship from Churchill Insurance.

In 2019 grants were awarded to the value of £3,861 leaving a remaining balance of £90,639. The recommended applications total for January 2020 is £3,000 and will leave a balance of £87,639 available for future disbursement.

3.4 Public Sector Equality Duty

None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. **Relevant background/chronology of key events:**

Background

- 4.1 At its meeting on 13 September 2016 Council-as-Trustee approved the formation of the Young Active Travel Trust.
- 4.2. Council-as-Trustee further resolved to instruct officers to register the Trust as a charitable organisation with the Charities Commission. As with any other charitable trust where the Council is sole corporate trustee, the responsibility for the day to day management of the trust is delegated by Council to the Trusts and Charities Committee.
- 4.3. At its meeting on 14 December 2016 this Committee (Trusts & Charities) approved the Mechanism of Funding Protocol which set out the management arrangements for the Young Active Travel Trust and the criteria against which applications for funding would be assessed (Appendix 1).

Purpose of the Trust

- 4.4 The Council's Young Active Travel initiative aims to pull together cross-cutting policy objectives around improving children's health, achieving "behaviour change" around transport choices, and addressing environmental and road safety concerns. It seeks to encourage parents and pupils to adopt more sustainable ways of travelling to school and to reduce car journeys, improving not only their own health but that of the wider community – with reduced road danger, less air pollution from cars, and less traffic congestion in local neighbourhoods – particularly around school gates.

- 4.5. The purpose of the Trust is set out in the Deed as follows :

The objects and purposes of the Charity are to preserve and protect public health, particularly the health of school-children in Birmingham by:-

- I. supporting initiatives which raise awareness about road safety, health, exercise and fitness;*
- II. changing behaviours towards travel to school*

Applications for Funding

- 4.6. The following applications have been received, assessed against the criteria set out in Appendix 1, and are recommended to the Committee for approval as schemes to further the objectives of the Charity. The applications are attached at Appendix 2.

Applicant	Project Name	Amount Requested	Recommended
Corpus Christi Catholic Primary School	Bicycle Shed	£1,000	Yes
Moseley School & 6 th Form	Resident/Parent Parking Awareness Campaign	£1,000	Yes
Oasis Academy Hobmoor School	Scooterbility	£1,000	Yes

- 4.7. The recommended applications total £3,000 and if all are approved would leave the Trust with remaining resources of £87,639.

5. Reasons for Decision(s):

- 5.1 To pursue the objectives of the Young Active Travel in Birmingham Charitable Trust, as set out in the Trust Deed approved by Council-as-Trustee on 13 September 2016.

Signature:

Chief Officer:
Title

Dated:

List of Appendices:

Appendix 1 – (Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity; Appendix 3 Mechanics of Grant Funding Protocol

Appendix 2 – Funding Applications (A to C, attached as separate documents)

List of Background Documents used to compile this Report:

Report to Trusts & Charities Committee/Council-as-Trustee – Formation of the Young Active Travel Trust 13 September 2016
Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity

Appendix 1

(Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity; Appendix 3 Mechanics of Grant Funding Protocol

15. To be eligible to apply for a grant, schools must be located within the geographic boundary of Birmingham City Council. Alternatively, constituted groups of parents of children attending these schools will also be eligible to apply.
16. Subject to the above, priority will be given to funding proposals where:
 - a) the school has an on-going commitment to promoting safe and sustainable travel through actions within their ModeShift STARS (on-line programme) travel plan;
 - b) there is a link between the proposal and actions contained within the ModeShift STARS travel plan, for example, to achieve behaviour change to more sustainable modes of travel to and from schools;
 - c) it is expected that the proposal will result in a reduction in parking congestion around school gates;
 - d) there is a linkage to existing initiatives led by the Council or its partners, for example, Bikeability (cycle training), Birmingham Big Bikes Bike Library or family cycle centres, or Birmingham Cycle revolution infrastructure investment;
 - e) there is connectivity with other children's health and well-being programmes and activities; or local environmental initiatives;
 - f) consideration has been given to the legacy of the initiative or activity to ensure sustainability beyond the life of the grant funding, for example, through parents groups or the School Council
 - g) funding is being sought for initiatives or measures for which there is no free of charge alternative, for example, Think Road Safety resources, or other local funding source, for example Top Cycle Location Grants for bike parking.

Young Active Travel Trust: Grant Funding APPLICATION FORM

Please email the completed form to **connected@birmingham.gov.uk**

Name of School(s)	Corpus Christi
Name of Head Teacher(s)	Mrs J Taylor
Project Title	Bike storage
Type of Applicant	School
Name of Lead Applicant	Dot Okubadejo
Email address	d.okubadejo@corpuschristi.bham.sch.uk
Telephone number	0121 675 2784

Signature of Head Teacher <i>(for a group of schools, only one signature is required)</i>	J Taylor
Name	Mrs Julie Taylor
Date	29/11/2019

Signature of Lead Applicant	D Okubadejo
Name	Dot Okubadejo
Date	29/11/2019

About Your Project

1. Please describe the project you are asking for grant funding to undertake.

Please refer to the guidance notes for information about what sort of projects will be given priority.

Our school currently had a small amount of cycle storage for 6 bikes only and not covered, the type of storage we have are the old butterfly type. We have been promoting sustainable travel out to our pupils and the older children undertake bikeability training. Following this training we found that many pupils wish to cycle to school but we don't have the capacity to accommodate this. Hence our application for further storage requirements.

2. What you will spend the grant funding on?

We are looking to purchase a covered bike storage that can accommodate around 15 bikes hopefully these will be the Sheffield stand type that could allow two bikes per hoop. This will compliment our already small cycle storage.

We wish to have covered as we feel this will encourage more pupils to cycle to school as the bikes won't get wet during the winter months. Having something more formal will help pupils and parents see that they are secure for pupils to store their bikes in safely, and show a real commitment from the school wishing to promote this form of transport.

The school are willing to possibly match fund if the grant isn't enough to cover what we require, the school may consider topping up the grant to obtain the number of extra storage spaces needed for pupils wishing to use their bikes.

3. What benefits do you expect to result from the project?

Our school regularly book bikeability training every year for our older children, and this creates demand for bike parking. Our children really enjoy the training and every year we talk about improving our storage. This is something we feel would benefit our pupils, in getting fitter and healthier. The road outside our school can be heavily parked at school start and finish times, so we need to do something about making this safer. If we can reduce this by encouraging the older children where possible to switch their travel habits then this will have a knock on effect on our traffic and improve our air quality.

All year 5 and 6 undertake bikeability each year which equates to 120 children taking part in this activity. If we can provide improved cycle parking then we can possibly see up to 30 children potentially wishing to cycle to school each day. We find at our school that once this starts to happen more children wish to join in.

We have seen this from another activity which is WOW walk to school reward scheme.

4. What positive legacy will the project have on the school or wider community and what will happen when the grant funding stops?

We want our pupils to be fitter and healthier and cycling is one way of achieving this, with us booking the training every year we have no problems filling places. So this is something the children enjoy taking part in. By undertaking the training they are learning a life skill, and putting this into practice if they choose to follow this up after training is complete. The bike storage will be here for a long time and will enable children who move up each year to take part and bring their bikes to school.

We will continue to maintain the covered storage and promote out to pupils every year, we will give the younger children the opportunity to bring in their bikes too if they wish to cycle to school, which again will hopefully reduce the need to come by car, particularly during the summer months.

By being able to provide storage will help us promote cycling to school for our pupils which is something that is limited at the moment.

5. How does this project connect with your Modeshift STARS Travel Plan?

Please note funding is only available to schools who have committed to developing school travel plans through the on-line Modeshift STARS programme; or schools who will commit to registering on Modeshift STARS and achieving bronze level within 12 months (from date of award of grant).

Bikeability training is just one of the initiatives that we can complete as part of our modeshift stars action plan and that appears regular on our curriculum. This is a particular favourite with our pupils and one we feel benefits the older children.

We have started and almost completed our travel plan and wishing to move our plan to accreditation, but have undertaken many other activities that helps us promote sustainable travel eg WOW, parking campaign, walking bus. We have taken part in national campaigns such as bike week, road safety week and be safe be seen.

By taking part in these activities we have seen a positive change in the way our children wish to travel and our school have seen the benefits of taking part and producing a travel plan.

6. Estimated project start date

02/03/2020

7. Estimated project completion date

17/07/2020

8. Approximately how many pupils will be involved in this project?

240

9. Estimated total cost of the project

£2000

10. Amount of Grant funding sought

£1000

Evaluation

11. Please explain how you intend to evaluate the impact of the project and how you will measure success?

We will monitor the number of pupils taking part in bikeability training and then are wishing to use their bikes to travel to school, once the storage has been installed.

The school ambassords could complete bike counts to see if the storage is being used regularly and if this exceeds demand.

We will continue to promote bike week and take part in campaigns that happen during the school year.

We will highlight to parents through the school newsletter that we have had some improved cycle storage put in place so that pupils can change the way they travel.

We will continue to work on our travel plan and update and survey as needed.

Grant applications will be assessed and presented for determination to the Trusts and Charities Committee, as sole corporate trustee of the Young Active Travel Trust.

Details of your application may be referred to in publicly available committee reports, along with subsequent feedback or evaluations of any schemes funded by the Trust. Please indicate below your acceptance:

☐ I accept

**Please email the completed form to
connected@birmingham.gov.uk**

Queries about the application process should also be directed to connected@birmingham.gov.uk

Official use only

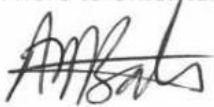
Date received	Click here to enter a date.
Approved	Choose an item.
Reasons	Click here to enter text.
Amount of grant awarded	Click here to enter text.




Young Active Travel Trust: Grant Funding APPLICATION FORM

Please email the completed form to connected@birmingham.gov.uk

Name of School(s)	Moseley School and Sixth Form
Name of Head Teacher(s)	Mr Andrew Bate
Project Title	Resident / Parent Parking Awareness Campaign
Type of Applicant	School
Name of Lead Applicant	Tina Thomas
Email address	tth@moseley.bham.sch.uk
Telephone number	0121 566 6444

Signature of Head Teacher (for a group of schools, only one signature is required)	Click here to enter text. 
Name	Mr Andrew Bate
Date	04/11/2019

Signature of Lead Applicant	
Name	Tina Thomas
Date	19/11/2019

About Your Project

1. Please describe the project you are asking for grant funding to undertake.

Please refer to the guidance notes for information about what sort of projects will be given priority.

Students from both the Modeshift Stars Sustainable Travel Committee and School Council will run a leaflet/ poster campaign to target the resident/ parent parking around both school entrances.

Residents on College Road park vehicles vertically outside their properties to gain further parking spaces which means students have to walk in the road around the cars.

A reminder of the rules surrounding zebra crossings and parking and turning of vehicles.

Students also feel any posters/banners available do not cater for secondary school students.

2. What you will spend the grant funding on?

Competition prizes .

Production of banners of winning design for all 3 school gates.

Leaflets produced to be delivered to each home on College Road/ Wake Green Road , the local Mosque, Sports Centre and 2 local primary schools to inform residents of the implications of their inconsiderate and dangerous parking to the school and local community. These will also be translated into the top 3 languages spoken in school.

Short video produced by the school Media/Drama departments and students highlighting the need for considerate parking to be shown at parents evenings/ school celebrations and on overhead screens on school site. These will carry translated subtitles.

3. What benefits do you expect to result from the project?

Increased safety of students and local residents when using roads leading to schools.

Driver awareness which will benefit not only Moseley School but that of surrounding schools and Mosque.

Student awareness which can be passed onto parents.

Promotion of safer and more sustainable travel to students and parents.

By having a campaign that the students have been involved in producing will bring further engagement by other students at the school and messages will be from this particular target audience which can be difficult to engage with.

4. What positive legacy will the project have on the school or wider community and what will happen when the grant funding stops?

Public awareness of the dangers of inconsiderate parking which will continue to be displayed on the banners attached to the school gates – a daily reminder

Through competition promotion other areas of road safety/ sustainable travel will be explored across 1200 students through PSHE, planning meetings and form time promotion of competition

This type of campaign could help future recruitment to the sustainable travel committee and encourage pupils to get involved in having a voice and taking a more proactive approach in keeping themselves safe and informing the wider community that its not just teenage behaviour and wishing to bring about change.

Getting pupils involved in the delivery of the Modeshift STARS travel plan particularly the action plan and looking how they could become involved. When wishing to move on with the school accreditation from bronze to silver and gold, this will involved a whole school community approach and this campaign could be start of this partnership work.

5. How does this project connect with your Modeshift STARS Travel Plan?

Please note funding is only available to schools who have committed to developing school travel plans through the on-line Modeshift STARS programme; or schools who will commit to registering on Modeshift STARS and achieving bronze level within 12 months (from date of award of grant).

AQ6 – Highway code is promoted to students, staff and parents

PR1 Newsletter

PR2 Info sent to residents/ School communicates with parents

PR9 Assembly

PR22-24 Other promotion methods

P5 School works with local MP.

6. Estimated project start date

06/01/2020

7. Estimated project completion date

14/02/2020

8. Approximately how many pupils will be involved in this project?

1400

9. Estimated total cost of the project

£ 1200

10. Amount of Grant funding sought

£1000

Evaluation

11. Please explain how you intend to evaluate the impact of the project and how you will measure success?

This will initially be gained through more considerate parking by both residents and parents who drop/pick up their children from the school.

Reduced near misses seen or reported by students/parents

Posting on school website to educate a wider audience.

Grant applications will be assessed and presented for determination to the Trusts and Charities Committee, as sole corporate trustee of the Young Active Travel Trust.

Details of your application may be referred to in publicly available committee reports, along with subsequent feedback or evaluations of any schemes funded by the Trust. Please indicate below your acceptance:

☒ I accept

**Please email the completed form to
connected@birmingham.gov.uk**

Queries about the application process should also be directed to connected@birmingham.gov.uk

Official use only

Date received	Click here to enter a date.
Approved	Choose an item.
Reasons	Click here to enter text.
Amount of grant awarded	Click here to enter text.

Apply for £0000

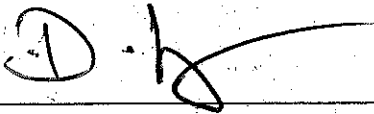
- Scooterbility 2 Adult and Child




Young Active Travel Trust: Grant Funding APPLICATION FORM

Please email the completed form to connected@birmingham.gov.uk

Name of School(s)	Click here to enter text. Oasis Academy Hobmoor
Name of Head Teacher(s)	Click here to enter text. Darren King
Project Title	Click here to enter text. Scooterbility
Type of Applicant	Choose an item. Teaching Assistant / Eco squad lead
Name of Lead Applicant	Click here to enter text. Shannen Stanley
Email address	Click here to enter text. shannen.stanley@oasisacademyhobmoor.org
Telephone number	Click here to enter text. 01951699518

Signature of Head Teacher (for a group of schools, only one signature is required)	Click here to enter text. 
Name	Click here to enter text. Darren King
Date	Click here to enter a date. 23/9/19

Signature of Lead Applicant	Click here to enter text. 
Name	Click here to enter text. Shannen Stanley
Date	Click here to enter a date. 23/9/19

About Your Project

1. Please describe the project you are asking for grant funding to undertake.

Please refer to the guidance notes for information about what sort of projects will be given priority.

Click here to enter text. Through our Modeshift allstars programme we are already doing bikeability - its free through the programme. We want to give more children the opportunity to travel to school in a safer, greener way so we would like to begin Scooterbility classes, which were recommended to us by our Modeshift representative. The funding covers the training of a member of staff to teach Scooterbility after the end of the project.

2. What you will spend the grant funding on?

Click here to enter text. The funding will be to buy some scooters, which will be kept by the school so that as many children as possible will be able to access the Scooterbility project, which will also be paid for with the funding. Scooters (cheapest we can find) are £15.00 - we want as many as possible, and the Scooterbility courses start at £380.00 we would also try and get a storage space for pupils scooters.

3. What benefits do you expect to result from the project?

Click here to enter text. Our school is next to a large skate park, it would be great for the park to get more use when the children are trained how to use them safely. By the children being taught how to use scooters safely, we hope to see a rise in the number of the children travelling by scooter to school. If we manage to get some scooter storage we hope this will encourage children to bring their scooters to school.

Evaluation

11. Please explain how you intend to evaluate the impact of the project and how you will measure success?

Click here to enter text. We will work closely with the community centre next door to our school and organise fun days- competitions revolving around skating.

We will conduct surveys before, during and after the project to determine the impact of the project and see if the number of families driving to school has decreased. We will also update our travel plan with our findings.

Grant applications will be assessed and presented for determination to the Trusts and Charities Committee, as sole corporate trustee of the Young Active Travel Trust.

Details of your application may be referred to in publicly available committee reports, along with subsequent feedback or evaluations of any schemes funded by the Trust. Please indicate below your acceptance:

☒ I accept

**Please email the completed form to
connected@birmingham.gov.uk**

Queries about the application process should also be directed to connected@birmingham.gov.uk

Official use only

Date received	Click here to enter a date.
Approved	Choose an item.
Reasons	Click here to enter text.
Amount of grant awarded	Click here to enter text.

4. What positive legacy will the project have on the school or wider community and what will happen when the grant funding stops?

Click here to enter text. With the scooterability courses, PE teaching staff can be trained to teach it. We hope to continue with our own staff-led scooterability courses long after the funding has gone. By more children being familiar with how to ride a scooter safely we hope to see families using them as a greener, healthier way to travel - thus improving our local air.

5. How does this project connect with your Modeshift STARS Travel Plan?

Please note funding is only available to schools who have committed to developing school travel plans through the on-line Modeshift STARS programme; or schools who will commit to registering on Modeshift STARS and achieving bronze level within 12 months (from date of award of grant).

Click here to enter text. The project was suggested to us by our Modeshift Representative, Mandi Slater. This project will hopefully decrease the amount of cars outside our school gates and encourage families to use greener methods of travel, by using scooters.

6. Estimated project start date

Click here to enter a date. Spring term 2020

7. Estimated project completion date

Click here to enter a date. Spring term 2020

8. Approximately how many pupils will be involved in this project?

Click here to enter text. 60 to begin with, hoping to open up to whole school

9. Estimated total cost of the project

Click here to enter text. -/+ £1000

10. Amount of Grant funding sought

Click here to enter text. £1000

Birmingham City Council – Council as Trustee

PUBLIC REPORT

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of:	CHIEF FINANCIAL OFFICER	
Date of Decision:	22 January 2020	
SUBJECT:	TO APPROVE THE ANNUAL REPORT AND ACCOUNTS FOR Highbury Trust 2018/19	
Key Decision: —Yes— / No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved	<input type="checkbox"/> <input type="checkbox"/>
Relevant Cabinet Member(s):	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	All	

1. Purpose of report:
1.1 To present for approval the Annual Report and Accounts for Highbury Trust for the financial year ending 31 March 2019.

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to approve the Annual Report and Accounts for 2018/19.
2.2 The Committee acting on behalf of the Sole Corporate Trustee authorises officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1.

Lead Contact Officer(s):	Graham Arrand
Telephone No:	0121 464 3003
E-mail address:	Graham.Arrand@birmingham.gov.uk

3.	Consultation
	Consultation should include those that have an interest in the decisions recommended
3.1	<u>Internal</u>
	The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.
3.2	<u>External</u>
	N/A
4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
	As part of the role of the Trust and Charities Committee.
4.2	<u>Financial Implications</u>
	There are no financial implications arising from this report.
4.3	<u>Legal Implications</u>
	Management and governance arrangements for Charitable Trusts are set out in the constitution under which they were established. Charity Trustees must also comply with Charities Act 2011, Trustee Act 2000 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing this will give rise to a breach of trust. Legal sanction can follow from either the beneficiaries of the charitable trust and/or Charity Commission. Decisions made by the charity must be appropriate to the interests of the charity at all times. The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.
4.4	<u>Public Sector Equality Duty</u>
	None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions

5. Relevant background/chronology of key events:

- 5.1 The Trust was established by a deed dated 31 March 1932. The objectives of the Trust are general charitable purposes for the benefit of the citizens of Birmingham. The Trust is registered with the Charity Commission no 1039194.
- 5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission. The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.
- 5.3 The Charity income for the year 2018/19 was £ 115,176 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to its attention during their examination of these accounts. The accounts were signed off by the Independent Examiner on 27 November 2019.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 For Committee to approve the 2018/19 accounts for the Highbury Trust.

Signatures		<u>Date</u>
Chief Finance Officer
Chairman of the Trust and Charities Committee

List of Background Documents used to compile this Report:

1. n/a

List of Appendices accompanying this Report

Appendix 1 –Highbury Trust Annual Accounts 2018/19.

HIGHBURY TRUST
REPORT AND FINANCIAL STATEMENTS
31 MARCH 2019

Registered charity number: 1039194

Highbury Trust

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Highbury Trust

Report of the Trustees for the Year Ended 31 March 2019

The Trustees present their report along with the financial statements of the charity for the year ended 31 March 2019. The financial statements have been prepared in accordance with the accounting policies set out in the notes thereto and comply with the charity's trust deed and applicable law.

These accounts have been prepared from information held by the Council. They assume that arrangements will be established under which the Trust leases assets to the Council and uses the rental income to maintain the properties. It is further assumed that any shortfall will continue to be funded by contributions from the Council.

Reference and administrative information

Name of charity: Highbury Trust

Registered charity number: 1039194

Address for correspondence: Highbury Trust
PO Box 16306
Birmingham
B2 2XR

The Trustees who served during the year were: Birmingham City Council – the sole Corporate Trustee

Independent Examiner: Malcolm Winston FCCA
UHY Hacker Young (Birmingham) LLP
9-11 Vittoria Street
Birmingham
B1 3ND

Bank: Barclays Bank plc
15 Colmore Row
Birmingham
B3 2BH

Highbury Trust

Report of the Trustees for the Year Ended 31 March 2019 (cont'd)

Structure, Governance and Management

Governing document

The fund was established by a Trust Deed dated 31 March 1932. It is a registered charity, charity number 1039194.

Recruitment and appointment of trustees

The trustees, who served during the year, and since the year end, are set out in the reference and administration details on page 2.

Trustee Meetings

Day to day management decisions are made by Trust and Charities Committee, which is made up of eight Council Members. Three members acting as Trustees are necessary to form a quorum. Issues are decided by a simple majority of those present and voting, provided at least two Trustees vote in favour of the resolution. Decisions, such as disposals are made by Full Council sitting separately as Corporate Trustee.

Objectives and Activities

The objects of the Fund are to use the bequest for the benefit of the citizens of Birmingham.

Public Benefit

The Trustees confirm that in the exercise of their powers as a charity trustees, they have had due regard to the published guidance from the Charity Commission on the operation of the public benefit requirement.

Achievements and Performance

Total income for the year was:	£115,176	(2017/18: £156,085)
Charitable expenditure was:	£112,389	(2017/18: £131,693)

Financial Review and Investment Policy

The funds represent the value of the properties owned by the Trust. The repair and maintenance of the property is funded by rental income and contributions from Birmingham City Council.

Highbury Trust

Report of the Trustees for the Year Ended 31 March 2019 (cont'd)

Trustees' Responsibilities in Relation to the Financial Statements

The Trustees are responsible for preparing the Annual Report and the Financial Statements in accordance with applicable law and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The law applicable to charities in England and Wales requires the Trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the charity for that period.

In preparing these financial statements, the Trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP 2015;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK accounting standards have been followed, subject to any departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The Trustees are responsible for keeping accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) Regulations 2008, Financial Reporting Standard (FRS 102) and the provisions of the trust deed. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Approved by the Trustees and signed on their behalf by:

.....
Trustee:

Date: ?? November 2019

Highbury Trust

Independent Examiner's Report to the Trustees of Highbury Trust

I report to the charity trustees on my examination of the accounts of the charity for the year ended 31 March 2019.

Responsibilities and basis of report

As the charity's trustees you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair view' which is not a matter considered as part of an independent examination.

I have one matter to note in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached. The valuation of the Land and Buildings has not been carried out for 7 years, which is in excess of Birmingham City Council's target of 5 years in line their other no-trust asset valuations.

Malcolm Winston FCCA

UHY Hacker Young (Birmingham) LLP
9-11 Vittoria Street
Birmingham
B1 3ND

Date: ?? November 2019

Highbury Trust

Statement of Financial Activities for the Year Ended 31 March 2019

		Unrestricted Funds £	Restricted Funds £	Total 2019 £	Total 2018 £
	Notes				
Incoming Resources					
Rent receivable		66,976	-	66,976	67,078
Investment income		751	-	751	314
Contribution from Birmingham City Council		47,449	-	47,449	88,693
Total incoming resources	2	115,176	-	115,176	156,085
Resources Expended					
<u>Charitable activities</u>					
Repairs, ground maintenance & insurance		47,314	-	47,314	88,693
Charitable grant		59,000	-	59,000	43,000
Support costs including audit fee		6,075	-	6,075	-
		112,389	-	112,389	131,693
Net incoming/(outgoing) resources		2,787	-	2,787	24,392
Transfers Between Funds		228,706	(228,706)	-	-
Balance of fund brought forward at 1 April	8	-	2,033,706	2,033,706	2,009,314
Balance of fund carried forward at 31 March	8	231,493	1,805,000	2,036,493	2,033,706

Highbury Trust

Balance Sheet as at 31 March 2019

	Notes	Unrestricted Funds £	Restricted Funds £	Total 2019 £	Total 2018 £
Fixed assets					
Investment Properties	4	-	1,805,000	1,805,000	1,805,000
		-	1,805,000	1,805,000	1,805,000
Current assets					
Cash at bank		96,593	-	96,593	93,806
Short term deposits	6	134,900	-	134,900	134,900
Total net assets		231,493	1,805,000	2,036,493	2,033,706
Reserves		231,493	1,805,000	2,036,493	2,033,706
Funds		231,493	1,805,000	2,036,493	2,033,706

Approved by the Trustees and signed on their behalf by:

.....
Trustee:

Date: ?? November 2019

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31 March 2019

Note 1: Principal Accounting Policies

a) Accounting Convention

The accounts (financial statements) have been prepared, in accordance with Accounting and Reporting by Charities: Statement of Recommended Practice, applicable to charities preparing their accounts and in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The financial statements are prepared on a going concern basis, under the historic cost convention, modified to include certain items at fair value. The financial statements are prepared in sterling, which is the functional currency of the charity.

The significant accounting policies applied in the presentation of these financial statements, are set out below. These policies have been consistently applied to all years presented, unless otherwise stated. The charity has taken advantage, of the option provided in the Statement of Recommended Practice, to use headings in the Statement of Financial Activities, that are applicable to their specific activity, rather than reporting on an activity basis

b) Investment Income

Investment Income is accounted for on a receipts and payments basis and relates to rentals and other income generated from investment properties.

All incoming resources are included in the Statement of Financial Activities when the charity is entitled to the income and the amount can be quantified with accuracy.

c) Resources Expended

Expenditure is included on an accruals basis as the liability is incurred. Charitable expenditure comprises those costs incurred by the Charity in the delivery of its objectives. Governance costs include associated with meeting the constitutional and statutory requirements of the charity and include independent examination fees and costs of strategic management.

d) Investment Properties

Investment properties are included in the Balance Sheet at their open market value in accordance with the Financial Reporting Standard for FRS 102 and are not depreciated.

As at October 2012 the investment properties were revalued to £1,805,000 by Edwin Bray on behalf of Drivers Jonas Deloitte.

e) Fund Accounting

Details and the nature of each fund are set below:

Unrestricted Funds comprise those funds which the Trustees are free to use in accordance with the charitable objectives.

Endowment Funds represent those assets that must be held permanently by the charity.

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

Note 2. Incoming Resources

	Total 2019 £	Total 2018 £
Rental Income	66,976	67,078
COIF Deposit Account Interest	751	314
Birmingham City Council Funding	47,449	88,693
Total income	115,176	156,085

Note 3. Resources Expended

	£	£
Premises costs	47,449	88,693
Charitable grant	59,000	43,000
Support	5,940	-
	112,389	131,693

During 2018/19 a charitable grant of £59,000 (2017/18 : £43,000) was paid to Chamberlain Highbury Trust for the appointment of a project manager and consultants to support a bid for a Heritage Lottery Fund grant to be used for the benefit of the citizens of Birmingham.

Note 4. Investment Properties

	£	£
Valuation at 1 April	1,805,000	1,805,000
Revaluation in period	-	-
Value at 31 March	1,805,000	1,805,000

Note 5. Trustees Remuneration

None of the Trustees have received any remuneration or reimbursement of expenses from the Trust (2017/18: £Nil).

Note 6. Short Term Deposits

Funds are invested in the CCLA deposit fund.

Note 7. Related Party Transactions

During 2018/19 a contribution of £47,449 (2017/18: £88,693) was received from Birmingham City Council to fund the shortfall for repair and maintenance.

Rental Income of £66,796 (2017/18: £67,078) was received from Civico Catering who are owned by Birmingham City Council.

Repairs and maintenance were completed by Birmingham City Council at a cost of £44,970.

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

Note 8. Reserves

	At 1 April 2018	Incoming Resources	Outgoing Resources	Gains, Losses and Transfers	Revaluation	As at 31 March 2019
	£	£	£	£	£	£
Unrestricted reserves	-	115,176	112,389	228,706	-	231,493
Restricted reserves	2,033,706	-	-	(228,706)	-	1,805,000
	<u>2,033,706</u>	<u>115,176</u>	<u>112,389</u>	<u>-</u>	<u>-</u>	<u>2,036,493</u>

Birmingham City Council – Council as Trustee

PUBLIC REPORT

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	CHIEF FINANCIAL OFFICER 22nd January 2020	
SUBJECT:	TO NOTE THE ANNUAL REPORT AND ACCOUNTS- ALDERSON TRUST FOR THE PERIOD 2018/19	
Key Decision: —Yes— / No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> <input type="checkbox"/>	
Relevant Cabinet Member(s):	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	ERDINGTON	

1. Purpose of report:
1.1 To note the 2018/19 Annual Report and Accounts for Alderson Ex Servicemen's Homes Trust

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to note the Annual Report and Accounts for 2018/19.
2.2 The Committee authorises officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1.

Lead Contact Officer(s):	Graham Arrand
Telephone No: E-mail address:	0121 464 3003 Graham.Arrand@birmingham.gov.uk

3. Consultation

	Consultation should include those that have an interest in the decisions recommended
3.1	<p><u>Internal</u></p> <p>The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.</p>
3.2	<p><u>External</u></p> <p>N/A</p>
4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>As part of the role of the Trust and Charities Committee.</p>
4.2	<p><u>Financial Implications</u></p> <p>There are no financial implications arising from this report.</p>
4.3	<p><u>Legal Implications</u></p> <p>Management and governance arrangements for Charitable Trusts are set out in the constitution under which they were established. Charity Trustees must also comply with Charities Act 2011, Trustee Act 2000 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing this will give rise to a breach of trust. Legal sanction can follow from either the beneficiaries of the charitable trust and/or Charity Commission. Decisions made by the charity must be appropriate to the interests of the charity at all times. The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions</p>

5. Relevant background/chronology of key events:

5.1 The Trust was established under a Charity Commission scheme- 29 March 1963 and is registered with the Charity Commission no 216803.

The charitable objectives of the trust are:

- To let the 28 Trust Houses to disabled ex-service men.
If there is an insufficiency of such persons, to let to poor persons, preference to be given to old age pensioners, for the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage who have resided within the City of Birmingham for not less than 2 years consecutively.

5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.

5.3 The Charity income for the year 2018/19 was £ 123,396 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to its attention during their examination of these accounts. The accounts were signed off on 19 December 2019.

5.4 The 2018/19 Report and Accounts were approved by the Board of Alderson Disabled Ex-servicemen Trust on 16 December 2019.

6. Evaluation of alternative option(s):

6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

7.1 For Committee to note the 2018/19 accounts for the Alderson Trust.

Signatures		<u>Date</u>
Chief Finance Officer
Chairman of the Trust and Charities Committee

List of Background Documents used to compile this Report:

1. n/a

List of Appendices accompanying this Report

Birmingham City Council – Council as Trustee

PUBLIC REPORT

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	CHIEF FINANCIAL OFFICER 22nd January 2020	
SUBJECT:	TO NOTE THE ANNUAL REPORT AND ACCOUNTS- ALDERSON TRUST FOR THE PERIOD 2018/19	
Key Decision: —Yes— / No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> <input type="checkbox"/>	
Relevant Cabinet Member(s):	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	ERDINGTON	

1. Purpose of report:
1.1 To note the 2018/19 Annual Report and Accounts for Alderson Ex Servicemen's Homes Trust

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to note the Annual Report and Accounts for 2018/19.
2.2 The Committee authorises officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1.

Lead Contact Officer(s):	Graham Arrand
Telephone No: E-mail address:	0121 464 3003 Graham.Arrand@birmingham.gov.uk

3. Consultation

	Consultation should include those that have an interest in the decisions recommended
3.1	<p><u>Internal</u></p> <p>The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.</p>
3.2	<p><u>External</u></p> <p>N/A</p>
4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>As part of the role of the Trust and Charities Committee.</p>
4.2	<p><u>Financial Implications</u></p> <p>There are no financial implications arising from this report.</p>
4.3	<p><u>Legal Implications</u></p> <p>Management and governance arrangements for Charitable Trusts are set out in the constitution under which they were established. Charity Trustees must also comply with Charities Act 2011, Trustee Act 2000 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing this will give rise to a breach of trust. Legal sanction can follow from either the beneficiaries of the charitable trust and/or Charity Commission. Decisions made by the charity must be appropriate to the interests of the charity at all times. The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions</p>

5. Relevant background/chronology of key events:

5.1 The Trust was established under a Charity Commission scheme- 29 March 1963 and is registered with the Charity Commission no 216803.

The charitable objectives of the trust are:

- To let the 28 Trust Houses to disabled ex-service men.
If there is an insufficiency of such persons, to let to poor persons, preference to be given to old age pensioners, for the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage who have resided within the City of Birmingham for not less than 2 years consecutively.

5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission. The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.

5.3 The Charity income for the year 2018/19 was £ 123,396 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to its attention during their examination of these accounts. The accounts were signed off on 19 December 2019.

5.4 The 2018/19 Report and Accounts were approved by the Board of Alderson Disabled Ex-servicemen Trust on 16 December 2019.

6. Evaluation of alternative option(s):

6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

7.1 For Committee to note the 2018/19 accounts for the Alderson Trust.

Signatures		<u>Date</u>
Chief Finance Officer
Chairman of the Trust and Charities Committee

List of Background Documents used to compile this Report:

1. n/a

List of Appendices accompanying this Report

Birmingham City Council – Council as Trustee

PUBLIC REPORT

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	CHIEF FINANCIAL OFFICER 22 January 2020	
SUBJECT:	TO APPROVE THE ANNUAL REPORT AND ACCOUNTS FOR THE ELFORD ESTATE CHARITY FOR THE PERIODS 2018/19	
Key Decision: –Yes–/ No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/>	
	O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s):	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	All	

1. Purpose of report:
1.1 To present for approval the Annual Report and Accounts for the Elford Estate Charity for the financial year ending 31 March 2019.

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to approve the Annual Report and Accounts for 2018/19.
2.2 The Committee acting on behalf of the Sole Corporate Trustee authorises officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1.

Lead Contact Officer(s):	Graham Arrand
Telephone No: E-mail address:	0121 464 3003 Graham.Arrand@birmingham.gov.uk

3.	Consultation
	Consultation should include those that have an interest in the decisions recommended
3.1	<u>Internal</u> The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.
3.2	<u>External</u> N/A
4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u> Yes- as part of the role of the Trust and Charities Committee.
4.2	<u>Financial Implications</u> There are no financial implications arising from this report.
4.3	<u>Legal Implications</u> Management and governance arrangements for Charitable Trusts are set out in the constitution under which they were established. Charity Trustees must also comply with Charities Act 2011, Trustee Act 2000 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing this will give rise to a breach of trust. Legal sanction can follow from either the beneficiaries of the charitable trust and/or Charity Commission. Decisions made by the charity must be appropriate to the interests of the charity at all times. The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.
4.4	<u>Public Sector Equality Duty</u> The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions

5. Relevant background/chronology of key events:

- 5.1 The Elford Estate Charity was gifted to Birmingham City Council by way of a Conveyance on 29 September 1936 The Elford estate Charity was registered with the Charity commission on 25 October 1990. The objectives of the charity are to promote 'the healthful recreation of the citizens of Birmingham' and 'of preserving as far as possible the rural character. The land is held for the purposes of the trust subject to the tenancies affecting the land. The Trust is registered with the Charity Commission no 1000692.
- 5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission. The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.
- 5.3 The Charity income for the year 2018/19 was £ 106,266 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to his attention during their examination of these accounts. The accounts were signed off by the Independent Examiner on 3rd January 2020.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 For Committee to approve the 2018/19 accounts for the Elford Estate Charity.

Signatures	Date
Chief Finance Officer	
Chairman of the Trust and Charities Committee	

List of Background Documents used to compile this Report:
1. n/a

List of Appendices accompanying this Report
<u>Appendix 1 – Elford Estate Charity Annual Accounts 2018/19.</u>

THE ELFORD ESTATE CHARITY
REPORT AND FINANCIAL STATEMENTS
31 MARCH 2019

Registered charity number: 1000692

The Elford Estate Charity

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The Elford Estate Charity

Report of the Trustees for the Year Ended 31 March 2019

The Trustees present their report along with the financial statements of the charity for the year ended 31 March 2019. The financial statements have been prepared in accordance with the accounting policies set out in the notes thereto and comply with the charity's trust deed and applicable law.

Reference and administrative information

Name of charity:	The Elford Estate Charity
Registered charity number:	1000692
Address for correspondence:	Mr N Oliver Local Property Management Birmingham City Council Inclusive Growth Directorate Woodcock Street PO Box16306 B2 2XR
Trustee:	Birmingham City Council
Independent Examiner:	Mr Malcolm Winston FCCA UHY Hacker Young (Birmingham) LLP 9-11 Vittoria Street Birmingham B1 3ND
Bank:	Barclays Bank plc 15 Colmore Row Birmingham B3 2BH

The Elford Estate Charity

Report of the Trustees for the Year Ended 31 March 2019 (cont'd)

Structure, Governance and Management

Governing document

The Elford Estate Charity is regulated by a scheme dated 14 May 1990. It is a registered charity, with charity number 1000692.

Recruitment and appointment of trustees

The sole Corporate Trustee is Birmingham City Council. Day to day activities are managed by the Trusts and Charities Committee. Any other items such as disposals or issuing long term leases are to be recommended by Trusts and Charities Committee by Full Council. Full Council, as sole Corporate Trustee, meets separately and makes decisions before it's meetings on City Council business.

Objectives and Activities

The object of the charity is to promote the healthful recreation of the citizens of Birmingham.

The charity owns an approximate area of 187 hectares, comprising a mix of agricultural and residential property and it uses this asset to generate income to help deliver its objectives.

Public Benefit

The Trustees have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the aims and objectives of the charitable company and in planning any future activities. In particular, the Trustees have considered how planned activities will contribute to the aims and objectives set.

Achievements and Performance

In order to meet its objectives, the Charity's ongoing activities cover the maintenance and upkeep of its land, which encompass a cricket pitch, school playing field and garden grounds.

Financial Review

Unrestricted income for the period amounted to £88,266 (2018: £87,159) and the principal funding sources were rents and easements of £59,457 (2018: £59,457) and interest earned on deposits of £28,809 (2018: £27,702).

The Elford Estate Charity

Report of the Trustees for the Year Ended 31 March 2019 (cont'd)

Financial Review (cont'd)

Unrestricted expenditure totalled £15,193 (2018: £20,300) and comprised charitable expenditure of £14,376 (2018: £16,222), governance costs of £424 (2018: £3,130) and administration costs of £393 (2018: £948).

The Trustees are of the opinion that the Balance Sheet discloses funds adequate for the purpose of fulfilling the obligations of the charity.

Reserves Policy

It is the policy of the charity to retain unrestricted funds, which are the free reserves of the charity, accumulated through the collection of rent from the Trust's property portfolio. This provides sufficient funds to cover 12 months estimated operating costs.

Investment policy

The Trustees have the power to invest trust money in the purchase of, or an interest in the security of, such stocks, funds, shares, securities or other investment or property of whatever nature and wherever situated as the Trustees in their absolute discretion think fit to the intent that the Trustees shall have the same full and unrestricted powers of investing and transposing investments as if they were beneficially entitled to the Trust Fund.

All investment is subject to the Trustee Act 2000.

Risk Management

The Trustees keep under review the major strategic and operational risks which the charity faces and are satisfied that systems have been established in order to minimise the possible effects of such risks on the charity.

Retaining the property portfolio in Trust and the management and investment of the accumulated income by the CCLA in COIF, minimises the risk to the Trust. Systems are in place, which likewise lessens any risk associated.

The Elford Estate Charity

Report of the Trustees for the Year Ended 31 March 2019 (cont'd)

Trustees' Responsibilities in Relation to the Financial Statements

The Trustees are responsible for preparing the Annual Report and the Financial Statements in accordance with applicable law and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The law applicable to charities in England and Wales requires the Trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the charity for that period. In preparing these financial statements, the Trustees are required to:

- Select suitable accounting policies and then apply them consistently;
- Observe the methods and principles in the Charities SORP 2015;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The Trustees are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) Regulations 2008 and the provisions of the trust deed. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Approved by the Trustees and signed on their behalf by:

Trustee:

Date:

The Elford Estate Charity

Independent Examiner's Report to the Trustees of the Elford Estate Charity

I report to the charity trustees on my examination of the accounts of the charity for the year ended 31 March 2019.

Responsibilities and basis of report

As the charity's trustees you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair view' which is not a matter considered as part of an independent examination.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Malcolm Winston FCCA

UHY Hacker Young (Birmingham) LLP
9-11 Vittoria Street
Birmingham
B1 3ND

Date:

The Elford Estate Charity

Statement of Financial Activities for the Year Ended 31 March 2019

	Notes	Unrestricted Funds £	Restricted Funds £	Total 2019 £	Total 2018 £
Incoming resources					
Rents and easements		59,457	-	59,457	59,457
Interest		28,809	-	28,809	27,702
Other incoming resources					
Misc. income		-	-	-	-
Total incoming resources		88,266	-	88,266	87,159
Resources expended					
Charitable expenditure	2	14,376	-	14,376	16,222
Governance costs	2	424	-	424	3,130
Administration costs	2	393	-	393	948
Total resources expended		15,193	-	15,193	20,300
Net incoming resources before transfers		73,073	-	73,073	66,859
Transfer					
Gross transfers between funds	3&7	(3,786)	3,786	-	-
Net incoming resources before other recognised gains and losses		69,287	3,786	73,073	66,859
Net gains on investments	7&9	-	85,405	85,405	21,415
Revaluation of fixed assets for charity's own use	4	-	450,000	450,000	-
Net movement in funds		69,287	539,191	608,478	88,274
Reconciliation of funds					
Balance of funds brought forward at 1 April		209,437	3,337,589	3,547,026	3,458,752
Balance of funds carried forward at 31 March		278,724	3,876,780	4,155,504	3,547,026

The Elford Estate Charity

Balance Sheet as at 31 March 2019

	Notes	Unrestricted Funds £	Restricted Funds £	Total 2019 £	Total 2018 £
Fixed assets					
Tangible assets	4	-	2,782,000	2,782,000	2,350,000
		-	2,782,000	2,782,000	2,350,000
Current assets					
Short term deposits	5	286,062	1,094,780	1,380,842	1,204,008
Debtors: Amounts falling due within one year	6	77	-	77	75
Creditors: Amounts falling due within one year	6	7,415	-	7,415	7,057
Net current assets		278,724	1,094,780	1,373,504	1,197,026
Net assets		278,724	3,876,780	4,155,504	3,547,026
Funds		278,724	3,876,780	4,155,504	3,547,026

Approved by the Trustees and signed on their behalf by:

Trustee:

Date:

The Elford Estate Charity

Notes forming part of the Financial Statements for the year ending 31 March 2019

Note 1: Principal Accounting Policies

a) Accounting Convention

The accounts (financial statements) have been prepared, in accordance with Accounting and Reporting by Charities: Statement of Recommended Practice, applicable to charities preparing their accounts and in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2015) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The financial statements are prepared on a going concern basis, under the historic cost convention, modified to include certain items at fair value. The financial statements are prepared in sterling, which is the functional currency of the charity.

The significant accounting policies applied in the presentation of these financial statements, are set out below. These policies have been consistently applied to all years presented, unless otherwise stated. The charity has taken advantage, of the option provided in the Statement of Recommended Practice, to use headings in the Statement of Financial Activities, that are applicable to their specific activity, rather than reporting on an activity basis

b) Income

Income from rents and easements are credited to income in the year in which they are receivable. Interest on short-term deposits is credited to income in the year in which it is received.

c) Expenditure

Expenses are charged in the financial statements in the year to which the liability relates.

Charitable expenditure comprises those costs incurred by the Charity in the delivery of the activities and services for its beneficiaries. It includes, both costs that can be allocated directly to such activities and those costs of an indirect nature, necessary to support them.

Governance costs included charitable activities, include those costs associated with meeting the constitutional and statutory requirements of the charity and include the independent examination fees and costs linked to the strategic management of the Charity.

Administration costs, are costs for Birmingham City Council officer's time to support the Charity.

d) Fund Accounting

Details and the nature of each fund are set below:

Unrestricted Funds comprise those funds which the Trustees are free to use in accordance with the charitable objects.

Restricted Funds represent those assets that must be held permanently by the charity.

The Elford Estate Charity

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

2. Resources Expended

Charitable expenditure

	2019 £	2018 £
Premises costs for the year	826	7,387
Agents' Management Fee	10,070	8,835
Advertising and other costs	3,480	-
Legal Fees	64	-
Independent Examiners fee	360	3,130
	<u>14,800</u>	<u>19,352</u>

Other

Administration Costs	<u>393</u>	<u>948</u>
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3. Transfers between Funds

The Charity Commission Scheme of 14 May 1990 sanctioned expenditure of £227,180 which represented the proceeds of the sale of land. The sale proceeds were to be used for the purpose of promoting the objects of the trust.

A recoupment order is in place so that the endowment fund is replenished over a period of 60 years. From the 31st March 2016, this fund was transferred from Birmingham City Council and is managed by the CCLA. To continue this order, the fund is invested in accumulation units in the COIF investment fund. Therefore, a sum of £3,786 has been transferred to restore the endowment in 2019 (2018: £3,786 was transferred).

In this financial period, no other sums have been approved by Birmingham City Council's (Council as Trustee), Trust & Charities Committee, from Elford Trust's restricted funds to the unrestricted balance. (2018: Nil)

The Elford Estate Charity

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

4. Tangible Assets

	2019 £	2018 £
Land and Property		
Value of Land and Property At 31 March	2,350,000	2,350,000
Value of Land sold	(18,000)	-
Revaluation	450,000	-
Market Value	<u>2,782,000</u>	<u>2,350,000</u>

The land and property that comprises the Elford Estate is a mix of residential and agricultural property covering an area of approximately 187 hectares at Elford in the County of Staffordshire.

The land was gifted to the City in 1936 and has no recorded original cost or value. The estate was valued by Bruton Knowles in March 2018 using the Open Market basis of valuation at £2,800,000. This resulted in uplift in value, of £450,000.

On the 14th February 2019, there was a freehold disposal of garden land that had formed part of the estate. The value of the sale was £18,000

5. Short Term Deposits

Funds are invested in the CCLA deposit fund.

6. Debtors & Creditors

Debtors amounting to £77 for interest on unrestricted funds (2018: £75) are included in the accounts.

Creditors amounting to £7,415 (2018: £7,057) are included in the accounts £4,860 for Independent Examination fees (2018: £4,500) and £2,555 for management fees (2018: £2,557).

The Elford Estate Charity

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

7. Realised Gains & Losses

All gains and losses are taken to the statement of financial activities as they arise. Realised gains and losses on investments are calculated as the difference between sales proceeds and their opening carrying value or their purchase value if acquired subsequent to the first day of the financial year.

Unrealised gains and losses are calculated as the difference between the fair value at the year end and their carrying value. Realised and unrealised investment gains and losses are combined in the Statement of Financial Activities.

8. Remuneration and Expenses

None of the Trustees receive remuneration or other benefits from the Charity or reimbursement for any expenses incurred on behalf of the Charity. (2018: None).

The Elford Estate Charity

Notes forming part of the Financial Statements for the year ending 31 March 2019 (cont'd)

9. <u>Restricted Funds</u>		
	2019	2018
	£	£
Tangible fixed assets		
Market Value		
At 31 March 2019	<u>2,782,000</u>	<u>2,350,000</u>
Short term deposits		
Recoupment Order		
At 1 April 2018	196,410	183,146
Funds recouped in year	3,786	3,786
Interest Allocated	-	-
Gains and losses	<u>22,913</u>	<u>9,468</u>
At 31 March 2019	<u>223,109</u>	<u>196,410</u>
Funds on deposits in respect of sale of Elford Properties		
Net proceeds brought forward	791,179	779,242
Gains and losses	62,492	11,937
Processed from sale of Land	18,000	-
Net proceeds at 31 March 2019	<u>871,671</u>	<u>791,179</u>
Total Restricted Funds	<u>3,876,780</u>	<u>3,337,589</u>

**BIRMINGHAM CITY COUNCIL- TRUSTS AND CHARITIES COMMITTEE
CHAIRS ACTION - Highbury Essential Works – ADDITIONAL TRUST FUNDS
MATCHFUNDING HISTORIC ENGLAND AWARD**

Wards affected:	Moseley
------------------------	----------------

- 1.1 The Highbury Estate is held in trust, owned and managed by Birmingham City Council and Highbury Estate is a Registered Charity no 1039194. Highbury is on the Historic England 'Heritage at Risk' Register.
- 1.2 In February 2018 a report was approved by the Leader of the Council jointly with the Corporate Director, Economy and allocated £0.5m of Birmingham City Council funds for the undertaking of essential works at Highbury, principally to the roof of the north wing and to the main hall alongside other works in the premises.
- 1.3 Having undertaken further, more detailed investigations the funds available were insufficient to cover all works. At the suggestion of Historic England an urgent bid for additional funds was made and an award of £195,300 was made. Unfortunately, tender returns again exceeded the amount available and Historic England agreed to consider additional support. Historic England agreed to make an additional sum of £48,848 provided that matchfunding of a further we can provide add from our own resources the additional £20k required to meet the total required. This payment from the Highbury Revenue account would secure the £244,148 in total from Historic England.
- 1.4 The works for the refurbishment works at Highbury are desired to commence as soon as possible and a report for the award of the contract (P0507) will be considered by the Director, Inclusive Growth (Interim) at an early date.

Contact Officer:	Nigel Oliver
Telephone No:	Property Manager 0121 303 3028
E-mail address:	nigel_g_oliver@birmingham.gov.uk

Decision - That the Chairman

- 2.1 Agrees that £20,000 from the Highbury Trust unrestricted funds can be used as matchfunding to secure the award of funds from Historic England
- 2.2 Agrees that the award of funds from Historic England of £244,148 be accepted
- 2.3 That the negotiation of the terms for the Award be delegated to the Assistant Director of Property working with Acivico and Procurement to award the tender and undertake the works at Highbury.
- 2.4 Authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.

Signature of the relevant Chairman in approving the allocation of funds from the Highbury Trust and the acceptance of the award of funds from Historic England to assist the undertaking of essential works at Highbury: -

Chairman of the Trusts and Charities Committee:
Councillor Akhlaq Ahmed

.....

Date:

Chief Officer:

Date

Appendix – Chairs Action report dated 9th January 2020

**BIRMINGHAM CITY COUNCIL- TRUSTS AND CHARITIES COMMITTEE
CHAIRS ACTION - Highbury Essential Works – ADDITIONAL TRUST FUNDS
MATCHFUNDING HISTORIC ENGLAND AWARD**

Wards affected:	Moseley
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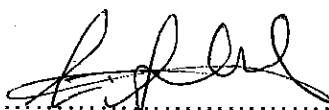
1.1	The Highbury Estate is held in trust, owned and managed by Birmingham City Council and Highbury Estate is a Registered Charity no 1039194. Highbury is on the Historic England 'Heritage at Risk' Register.
1.2	In February 2018 a report was approved by the Leader of the Council jointly with the Corporate Director, Economy and allocated £0.5m of Birmingham City Council funds for the undertaking of essential works at Highbury, principally to the roof of the north wing and to the main hall alongside other works in the premises.
1.3	Having undertaken further, more detailed investigations the funds available were insufficient to cover all works. At the suggestion of Historic England an urgent bid for additional funds was made and an award of £195,300 was made. Unfortunately, tender returns again exceeded the amount available and Historic England agreed to consider additional support. Historic England agreed to make an additional sum of £48,848 provided that matchfunding of a further we can provide add from our own resources the additional £20k required to meet the total required. This payment from the Highbury Revenue account would secure the £244,148 in total from Historic England.
1.4	The works for the refurbishment works at Highbury are desired to commence as soon as possible and a report for the award of the contract (P0507) will be considered by the Director, Inclusive Growth (Interim) at an early date.

Contact Officer:	Nigel Oliver
Telephone No:	Property Manager 0121 303 3028
E-mail address:	nigel_g_oliver@birmingham.gov.uk

Decision - That the Chairman	
2.1	Agrees that £20,000 from the Highbury Trust unrestricted funds can be used as matchfunding to secure the award of funds from Historic England
2.2	Agrees that the award of funds from Historic England of £244,148 be accepted
2.3	That the negotiation of the terms for the Award be delegated to the Assistant Director of Property working with Acivico to award the tender and undertake the works at Highbury.
2.4	Authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.

Signature of the relevant Chairman in approving the allocation of funds from the Highbury Trust and the acceptance of the award of funds from Historic England to assist the essential works at Highbury:-

Chairman of the Trusts and Charities Committee:
Councillor Akhlaq Ahmed



Date: 09.01.2020

Chief Officer:

Date

Appendix - none

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director - Neighbourhoods 22 January 2020
SUBJECT:	CALTHORPE PARK – LEASE OF PLAY CENTRE FOR GENERAL COMMUNITY PURPOSES
Wards affected:	Balsall Heath West

1. Purpose of report:

- 1.1 To seek approval to obtain revised management powers for Calthorpe Park, held in trust, including a power of disposal which will enable the grant of leases on Trust assets.

2. Decisions recommended:

That the Committee

- 2.1 notes a report delivered to Committee on 13th November 2019 seeking to make applications to obtain necessary new powers to grant leases on the trust assets incorrectly referred to 'The Active Wellbeing Service' as managing the Calthorpe Park Play Centre premises and should have referenced the Birmingham City Council Health and Wellbeing Service as managers and accordingly Committee are asked to consider a revised report to seek these powers which if granted will enable the opportunity to lease the Play Centre for continuing community purposes to be advertised and an appropriate local community group selected as tenants and work towards securing external funding for its further enhancement. This will maintain and improve community service provision in the area.
- 2.2 authorises that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person'
- 2.3 authorises the disposal by way of a lease for up to 30 years from an early date to be agreed, of the land currently allocated to the Service being granted to a suitable community organisation and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval
- 2.4 delegates to the Assistant Director of Property authority to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of property and negotiate the terms of any disposal
- 2.5 authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to apprise the Committee of the results of the applications and consultation.

Lead Contact Officers:	Nigel Oliver , Property Manager
Telephone No: E-mail address:	0121 464 3028 nigel.g.oliver@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Officers in the Health and Wellbeing Service have undertaken local consultation and recognise that there is a need for continuing community provision in the area and appropriate local community groups that would be interested in leasing the premises. Ward Members have been consulted and have no direct issues on future marketing. Street Services & Parks manage Calthorpe Park generally and the changing rooms adjoining the Play Centre and are aware that this report seeks no changes to that arrangement.

Further consultation regarding this report is not envisaged except where it may be required to satisfy the requirements of the Charity Commission in support of the applications to them, but further consultation is anticipated on advertisement.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision-making to the Trusts and Charities Committee with final decisions on a disposal of land or assets being made by Council as Trustee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust documents, as amended by any Scheme approved by the Charity Commission. As trustee the City Council is responsible for ensuring the Trust is properly managed in all regards.

The release of the property restricted to community uses will still safeguard the provision of services to the local community which services assist the trust to meet its objects around recreational use of the Park.

Calthorpe Park is held freehold. The land was provided for a designated use and is regarded as 'specie land' by the Charity Commission. The trust deed does not expressly provide any powers to deal with the property or manage the trust and the Trust will need to make applications to the Charity Commission for appropriate modern management powers including powers of disposal of property. The provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal will not assist in this instance. Disposal in this instance may include freehold sale and also the grant of leases or tenancies or the management of the holdings by other parties. Lettings to connected persons including Birmingham City Council and/or the Active Wellbeing Service would also be subject to a specific application for approval from the Charity Commission.

3.3 How will decisions be carried out within existing finances and resources?

Duty of prudence – Trustees must ensure that the charity is and will remain solvent. The trustees are responsible for ensuring appropriate cost controls are in place. A lease is a disposal and any disposals will be conducted in line with statutory processes set out in the Charities Act 2011 and revenue ring-fenced and invested appropriately for the Charity. Any disposal, if approved, will be processed by officers in Legal Services and Birmingham Property Services and the valuation report will be undertaken by a qualified valuer costs for which will be reclaimed from the Health and Wellbeing Service. All future running costs for the premises will continue to be covered by the incoming tenant to be selected removing any potential burden from the Trust.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

- 4.1 Calthorpe Park was the second public park in Birmingham opened 1st June 1857 on land owned by Lord Calthorpe. Initially held only by 'licence', the freehold interest was transferred to the Birmingham Corporation subject to the land being made available as a recreation ground. This transfer is recorded as a gift and is treated as land held in trust. This is not a registered charity.
- 4.2 In 1900 land a land exchange regularised the shape of the park while enabling the adjoining housing development or the expansion of Balsall Heath. The land then accepted into the Park is treated as held in trust. The Calthorpe Park Play Centre is located on this land. The Park and Play Centre continues to be very well used.
- 4.3 In 1893 and 1899 the parkland was extended by further formal acquisition, but these are not gifts nor have any charitable status.
- 4.4 The proposal to seek a Scheme or Order from the Charity Commission is necessary as the acquisition documents provide none of the powers required for the management of a modern trust nor any mechanism for change and currently there is no ability to provide an alternative use for the premises. It is a statutory requirement on the Trust to at all times seek to preserve and properly manage its assets. To do so in this instance will require that all occupations be properly documented. It is overdue that the activities at the Play Centre are formally recognised and documented.
- 4.5 Other applications may need to be made to remove or amend the restrictive covenant limiting the premises to recreational uses only.
- 4.6 **Aims and Objectives of the Trust**
Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the Objects of the trust. The specific objects of the trust are simply to 'use of the premises as a public park and the presence and activities of the Play Centre enhance this.
- 4.7 **Trustee Powers**
A trust's constitution is set out within the executed Trust Deed for each property principally the acquisition deeds or as amended by a scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist or can be obtained for the Trustees to make decisions on the future of the assets including disposals.
- 4.8 **Trust Finances**
The sole asset of the trust is the park property. The trust has no revenue source or capital investments. The property to be leased is managed and maintained by Birmingham City Council Health and Wellbeing Service and is in good condition.

5. Evaluation of alternative option:

This report seeks approval to make applications to gain appropriate powers for future management or disposal of the property. To do nothing is not an appropriate option as the occupation of land requires to be properly regularised and this is most safely achieved by the grant of an appropriate lease. The Health and Wellbeing Service confirm they will continue to manage the premises until leases to an appropriate group are fully resolved.

6. Reasons for Decision(s):

- 6.1 To better safeguard the Trust's assets overall, retaining public services leading to the healthful recreation of the citizens of Birmingham within this public park.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Deed of Acquisition dated 26th February 1900 and 1st June 1857

List of Appendices accompanying this Report (if any):

1. None.