

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**COUNCIL AS TRUSTEE**

**TUESDAY, 12 SEPTEMBER 2017 AT 13:45 HOURS**  
**IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

**1 NOTICE OF RECORDING**

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

**5 - 8**

**2 MINUTES**

To confirm and authorise the signing of the Minutes of the Meeting of the Council as Trustee held on 4 April 2017.

**9 - 48**

**3 A MULTIPLE REPORT ON PROPERTY MATTERS FOR DECISION BY COUNCIL AS TRUSTEE**

To consider a report of Trusts and Charities Committee.

**Councillor Rehman to move the following Motion:**

"That Full Council sitting as 'Council as Trustee':

**A 669 Bristol Road - former Selly Oak Library**

- i) approves that the land held in trust at 669 Bristol Road comprising the former Library can be disposed of on terms to be agreed;
- ii) and to submit to the Charity Commission an application for a Scheme/Order allowing the trust the necessary additional powers to undertake the disposal of 'specie' land;
- iii) authorises the making of applications including a Deed of Release from the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises.

**B Calthorpe Park - lease to Health & Wellbeing Service Mutual Organisation**

- i) agrees the occupation of the premises on the trust's land to be regularised by the grant of a formal lease;
- ii) 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';
- iii) authorises the making of applications including a Deed of Release from the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises;
- iv) authorises 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 the Health & Wellbeing Service or its mutual organisation once established.

C Small Heath Park - Lease of Small Heath Park Lodge

- i) agrees the Lodge should be brought back into community use and any occupation regularised by the grant of a formal lease;
- ii) 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;
- iii) authorises the making of applications including a Deed of Release from the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises;
- iv) authorises the disposal by way of a lease for up to 35 years from an early date to be agreed, of the land of the former Lodge and gardens area.

D Cropwood Estate - Rosemary Cottage partial release of restrictive covenant

- i) the restrictive covenant against the land shown on the plan in Appendix 1 be amended by Deed to allow only the proposed development.

E Cropwood Estate - Hunters Hill Technology College use of land

- i) the land identified as parcels C and D in Appendix 1 of the attached report to the Trusts and Charities Committee dated 19 July 2017 be let to the College on terms to be agreed;
- ii) the remaining land is advertised as available to let marketed generally for agricultural use;
- iii) and if it is determined that the letting to the College being directly operated by Birmingham City Council requires that an application for a Scheme/Order from the Charity Commission allowing the trust the necessary additional powers to undertake the disposal to a 'connected person' that can also be made.

and

that the Assistant Director of Property (Interim) be authorised to negotiate and agree the terms of all agreements on behalf of the Trusts and that the City

Solicitor be authorised to prepare, negotiate, execute, seal and complete all necessary documentation, including the making of applications to the Charity Commission for any purposes required to give effect to the above decisions and also to place any formal advertisements required under either s123 of the Local Government Act 1972 or the various statutes as may relate to the charitable status of the land.