

<b>Report to:</b>	<b>TRUSTS AND CHARITIES COMMITTEE</b>
<b>Report of:</b>	<b>STRATEGIC DIRECTOR OF PLACE</b>
<b>Date of Decision:</b>	<b>19<sup>th</sup> July 2017</b>
<b>SUBJECT:</b>	<b>GEORGE CADBURY FOR PUBLIC PARK (KNOWN LOCALLY AS "MANOR FARM PARK") – SAFEGUARDING THE CADBURY BARN UPDATE</b>
<b>Wards affected:</b>	<b>Weoley</b>

**1. Purpose of report:**

To note progress of the options appraisal and actions to better safeguard the Cadbury Barn.

**2. Decision(s) recommended:**

That the Committee

2.1 notes the actions undertaken by the Friends of Manor Farm Park in line with matters approved at the meeting of Trusts & Charities Committee on 14<sup>th</sup> December 2016 to

- progress the Options Appraisal
- that currently there is no longer a prospective office tenant for the farm buildings once converted which has required the proposals to be reviewed and broadened
- submit an expression of interest for new monies to the Heritage Lottery Fund 'Parks for People' fund and that as part of that submission the remit is extended to a whole park approach,
- that The Friends will seek to set up a Charitable Interest Organisation to assist progression of the bid and future management of the assets

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### **3. Compliance Issues:**

#### **3.1 Consultations**

Substantial consultation has been completed already regarding the main proposals leading up to the previous report to Committee. HLF Parks for People fund has not previously been considered as a suitable source of funds for the Barn restoration but with a new 'whole Park' perspective the opportunity has arisen to apply to this fund. The submission of an Expression of interest has been made to comply with deadline set by HLF which has prevented further consultation on the specific application. However it remains in line with approved matters. Manor Farm Park depot area is held in trust and it is appropriate that the matter be considered via the Trusts & Charities Committee once officers in the Parks Service have considered all practical issues.

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

The City Council acts as Sole Trustee for a number of Trusts and has delegated this role to the Trusts and Charities Committee with the Full Council sitting as 'Council as Trustee' being the approving body for major changes to the trust land. Charitable trust activity is regulated by the Charity Commission and governed by the Trust document as amended by any Scheme approved 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 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 registered Charity can also undertake 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.

#### **3.3 Finances**

Decisions made by a charity must be expedient in the interests of the charity at all times. Further it is a requirement of the Trustees Act 2000 and the Charities Acts that the Trust achieve best value in any disposal though there are exceptions for this when dealing with other charities. The Trust has no income and any advance of the proposals set out in the Options Appraisal will require either external funding or the release of land and buildings to secure match funding or new occupiers. It is essential that the trust is fully in compliance with Charity Commission requirements if the application is to be successful.

#### **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 Options Appraisal continues to be developed through the Friends working with Birmingham Conservation Trust (“BCT”) and Bournville Village Trust Architects (“BVT”) working ‘at risk’. The Friends Group had identified a suitable tenant for the barns to be converted and which assisted the selection of the preferred option identified in previous reports. As that party has withdrawn unexpectedly this will require a period of reflection and a review of the options but which has also given rise to alternative sources of funds. The change from the HLF main fund to the HLF Parks for People fund will not change the parameters for the future of the Cadbury Barn but does open up opportunities for funds for the barn which also encompass the wider park and the setting and context of the Barn in the Park and may have more chance of success.
- 4.2 The condition of the Barn continues to deteriorate and the speed of that decline is increasing due to failure of parts of the roofing and continual vandalism. It is principally of timber construction built in 1894 and the Friends of Manor Farm Park will also be seeking some volunteer action to address some elements of that dis-repair and improve security as well as use the opportunity for community engagement but also urgently need to win proper funding for repairs.
- 4.3 There are no City Council funds currently available to assist but Park Rangers will support activity days etc. in the Park or at the Barn. The Friends are therefore required to continue to seek external funds through bids to the Lottery funds and such applications should be supported. The terms and conditions likely to be imposed in any future award are deemed to be acceptable. Any award will also assist the release of section 106 monies held for spend in the area.
- 4.4 The Friends group will continue as existing but will now be seeking to create a Charitable Interest Organisation which will be better placed to take forward the Options Appraisal in practice. This will greatly assist the making and accepting of bids for external monies and the taking of and in future, the granting of contracts and leases relating to the future operation of the Barns.

**5. Reasons for Decision(s):**

- 5.1 To seek to safeguard the Trust’s assets and secure an historic legacy.

**Signatures:**

Chief Officer(s): .....

Chairman .....

Dated .....

**List of Background Documents used to compile this Report:**

1. Report to Trusts & Charities Committee on 14th December 2016
2. BCT Options Appraisal – The Cadbury Barn, Manor Farm Park March 2015

**List of Appendices accompanying this Report (if any):**

1. HLF Parks for People Expression of Interest application by the Friends of Manor Farm Park.