

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

WEDNESDAY, 20 MARCH 2019 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 - 10

4 MINUTES

To note Part 1 of Minutes of the last meeting of the Trusts and Charities Committee held on 23 January 2019.

5 MATTERS ARISING

To discuss matters arising.

11 - 24

6 INTRODUCTION OF CAR PARKING CHARGES IN MAJOR PARKS - VICTORIA COMMON

Report of Service Director - Sports, Events, Open Spaces and Well-Being

25 - 30

7 **REVENUE BUDGET MONITORING 2018/19 – QUARTER 3 (TO 31ST DECEMBER 2018)**

To note the latest income and expenditure position of Trusts and Charities as at 31st December 2018.

31 - 36

8 **SAREHOLE MILL RECREATION GROUND - LEASE OF SAREHOLE MILL TO BIRMINGHAM MUSEUMS TRUST**

Report of Director of Property

37 - 40

9 **CHAMBERLAIN Highbury Trust - Update Report.**

Report of the Assistant Director of Property (Interim).

Les Sparks, Chairman, Chamberlain Highbury Trust and Mike Williams, Treasurer will be in attendance.

10 **DATE OF NEXT MEETING**

That the next meeting be held on Wednesday 17 April 2019 at 1030 hours in Committee Room 2, The Council House, Birmingham.

11 **OTHER URGENT BUSINESS**

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.

12 **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'.

13 **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

PRIVATE AGENDA

14 **MINUTES - PRIVATE**

Item Description

15 **MATTERS ARISING - PRIVATE**

To discuss matters arising.

16 **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.

16A **HIGHBURY - AWARD OF FUNDS BY BIRMINGHAM CITY COUNCIL**

Item Description

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 23 JANUARY 2019

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 23 JANUARY 2019
AT 1030 HOURS IN COMMITTEE ROOM 2,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors: Adrian Delaney, Mohammed Idrees, Zhor Malik, David Pears, Carl Rice and Lou Robson.

ALSO PRESENT:-

Sanjeev Bhopal – Committee Lawyer – Legal and Governance
Nigel Oliver – Birmingham Property Services
Graham Arrand – Senior Business Analyst, Finance
Matthew Hageney – Parks and Nature Conservation
Sarah Stride – Committee Manager, Legal and Governance
Lesley Patterson – Chair of the Friends of Manor Park.

NOTICE OF RECORDING

991 The Chairman advised that the meeting will be webcast for live or subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting will be filmed except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

992 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 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.

APOLOGY

993 An apology was submitted on behalf of Councillor Olly Armstrong for his inability to attend the meeting.

MINUTES994 **RESOLVED:-**

That part I of the Minutes of the last meeting of the Trusts and Charities Committee held on 18 July 2018 was noted.

MATTERS ARISING FROM THE MINUTES**1. Apologies Submitted for Future Meetings**

995 Councillor David Pears submitted his apologies for the meeting to be held on 17 April 2019.

Councillor Zhor Malik submitted his apologies for the meeting to be held on 20 March 2019.

2. Young Active Travel (YAT)

996 Councillor Lou Robson advised that the Transportation Behaviour Team application form link had not been sent to all Members of the Committee despite assurances from the Head of Community Services and School Crossing Patrols that it would be done so.

The Chair advised that the Committee Manager will investigate and take appropriate action.

3. Site Visit to Woodhouse Farm

997 In response to a concern raised by Councillor Lou Robson the Chair advised that a site visit will be arranged in the future.

REVENUE BUDGET MONITORING 2018/19 – QUARTER 1 (TO 30 JUNE 2018)

The following report of the Chief Finance Officer was submitted:-

(See Document No. 1)

Graham Arrand, Finance Department introduced the report and responded appropriately to Members questions.

It was -

998 **RESOLVED:-**

That the latest income and expenditure position of Trusts and Charities as at 30 September 2018 be noted.

Trusts and Charities Committee – 23 January 2019**GEORGE CADBURY FOR PUBLIC PARK (KNOWN LOCALLY AS 'MANOR PARK') - FUNDING**

The following report of the Parks Services Manager was submitted:-

(See Document No. 1)

Nigel Oliver, Birmingham Property Services introduced the report and advised that the funds to support the works programme was in fact £49,000 and not £34,000 as stated in the report. He apologised for the miscalculation.

Lesley Patterson, Chair of the Friends of Manor Park addressed the Committee and stated that local Councillors, in particular Councillors Olly Armstrong and Julie Johnson had been very active and supportive in the desire to create the facilities it was hoped to provide in the park following the arson attack and destruction of the Cadbury Barn. She stated that it was important now to move forward and conduct a new feasibility study on utilising existing buildings on the site for a community café as the existing feasibility study was no longer viable as the Cadbury Barn had been destroyed beyond repair. The Friends of Manor Park had previously applied for Heritage Lottery Funding and other funding options were being addressed. A new feasibility study will assess whether the existing farm buildings were viable for conversion into a community café.

Councillor Lou Robson declared a pecuniary interest in her capacity as an employee of Heritage Lottery Funding but that in this capacity she had not been involved in assessing any bids from any organisations within City of Birmingham and was advised that she could remain in the meeting.

It was -

999

RESOLVED:-

The Trusts and Charities Committee approved the use of trust funds up to £49,000 to support the works proposed to form the Feasibility Study to progress the Options Appraisal and re-roof the Lodge noting that the funds will be drawn from the insurance monies received following the destruction of the George Cadbury Barn and agreed the appointment of Acivico Limited to undertake the works set out in the report.

INTRODUCTION OF CAR PARKING CHARGES IN MAJOR PARKS – VICTORIA COMMON

The following report of the Service Director – Sports, Events, Open Spaces and Well Being was submitted:-

(See Document No. 2)

Matthew Hageney, Parks and Nature Conservation introduced the report and gave a brief background to the roll out of car parking charges in seven parks in the City of which Cannon Hill Park and Victoria Common only are in trust. Car parking charges are being introduced to better to safeguard car parking for park users and

Trusts and Charities Committee – 23 January 2019

secure improvements in parks. The original business plan proposal went out to public consultation in March 2017 and the Trusts and Charities Committee approved a report for the commencement of car parking charges at Cannon Hill Park in October 2017 noting the intention to roll out charges at the other parks.

He stated that at Victoria Common there was only one car park, off Church Road and where parking by shoppers and staff at the adjoining commercial premises frequently filled the car park and prevented genuine park user's access. Improvements proposed at Victoria Common included installing bollards to prevent parking on the entrance road and to form a pedestrian walkway to reduce safety concerns, car park resurfacing, improved lighting and the instalment of CCTV monitoring. Charges would be in line with other car parks and patrols would be undertaken by the same company and same terms BCC contracted with for patrols of car parks city-wide. Consultation on the proposals was continuing and permission to undertake works on the private roadway land owned by the Society of Friends.

Members expressed concern that motorists, rather than paying a car park charge, will park their vehicles in surrounding residential roads creating a displacement of traffic in the area. Members also desired that the results of the consultation be shared and that more information on charges and finance in general be provided and reminded officers that each trust was a separate holding in trust and monies should be ring-fenced to use at Victoria Common only.

Members were also concerned that the report was, in places, factually incorrect noting that Chamberlain Gardens should not have been referenced in paragraph 4.5 of the report.

It was –

1000

RESOLVED:-

The Trusts and Charities Committee agreed to defer the report pending further information in relation to the outcome of the public consultation exercise and for financial and legal reasons.

DATE OF NEXT MEETING

1001

RESOLVED:-

It was agreed that the next meeting of the Trusts and Charities Committee be held on Wednesday 20 March 2019 at 1030 hours in Committee room 2, The Council House.

OTHER URGENT BUSINESS

1002

No items of other urgent business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

1003

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

1004

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
and Matters arising.

Other Urgent Business – Exempt paragraph 3

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	SERVICE DIRECTOR - SPORTS, EVENTS, OPEN SPACES AND WELL-BEING
Date of Decision:	20 March 2019
SUBJECT:	INTRODUCTION OF CAR PARKING CHARGES IN MAJOR PARKS - VICTORIA COMMON
Wards affected:	NORTHFIELD

1. Purpose of report:

To seek approval to the introduction of car parking charges at Victoria Common as part of the overall strategy to introduce charges across parks in the City and to facilitate a programme of on-going improvement works and to safeguard facilities in the Park for park users.

2. Decisions recommended:

That the Committee:

- 2.1 notes that 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
- 2.2 approves the introduction of car parking charges at Victoria Common in line with the Business Plan (in so far as it affects the park held in trust) subject to
 - revenue funds generated from car parking income will fund an ongoing programme of facilities maintenance at, and support the wider management of, Victoria Common
 - any further consultation and approvals required to implement the scheme
- 2.3 approves Birmingham City Council undertaking the proposed works to improve the security, layout and facilities provided in the park with Phases 1 & 2 as set out in Appendix 1
- 2.4 delegates to the Assistant Director of Property (Interim) authority to negotiate and agree any agreements required to facilitate the proposals provided that appropriate restrictions are included in the terms to properly safeguard the Trust
- 2.5 authorises the City Solicitor to place any formal advertisements required under s123 2(a) of the Local Government Act 1972 for the loss of public open space (if any) or required under any of the various statutes as may relate to the charitable status of the land including any appropriate consultation stages and to appraise the Committee of the results of that consultation
- 2.6 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
- 2.7 approves the Highways Team to introduce a Traffic Regulation Order to enable the introduction of parking charges at Victoria Common.

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

3. Compliance:

3.1 Consultations:

Internal

The Park is managed on a day to day basis by Neighbourhoods Directorate and officers in Birmingham City Council Parks Service fully support the proposals developed to improve the park. Ward Members for the area (and surrounding areas) specifically , Northfield, Kings Norton South, Kings Norton North, Longbridge & West Heath, Rubery & Rednal, Frankley & Great Park, Allens Cross, Weoley & Selly Oak were consulted in November 2018 and again in February 2019

The Cabinet Member for Homes and Neighbourhoods fully supports the proposals.

External

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

Consultation has taken place with the Trustees of the Birmingham Friends Halls (Society of Friends) who own the carriageway to the park, 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 will take place with local stakeholders i.e. businesses and organisations in the vicinity of the park in March. Consultation will include the residents on Church Road who have garages off the carriageway into the park and access over it, to address any concerns they may have. A public consultation will follow once stakeholders have been consulted.

Informal discussions have taken 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:

- 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.

Public consultation will run for 4 weeks and begin once stakeholder consultation has been completed. It will consist of questionnaires, face-to-face clipboard exercise, BeHeard survey, and email mailbox. It will ask for residents'/consultees' views on the proposals as well as suggestions for traffic restrictions on surrounding roads. The project team will widen the radius for potential traffic restrictions following feedback from the Committee and Victoria Common Friends Group. Snapshot visits will take place to establish the impact that school parking has on the area and the potential impact of displacement as a result of the scheme.

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 Trust holds the freehold interest of the parkland 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 contract with NSL for parking enforcement. The Parks Service successfully use NSL for enforcement at Cannon Hill Park and propose to continue this arrangement as charges are rolled out to other sites including Victoria Common. Income from Penalty Charge Notices is retained by BCC; BCC pay for the cost of the deployment of their officers. To be clear, Parks will receive the income from the car park charges and the net income from any Penalty Charge Notices will be retained by us as this helps to offset the cost of enforcement.

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. Principal revenue costs for the trust Estate are covered by the Birmingham City Council Parks Service. All income from Victoria Common will go back into a Victoria Common budget (account) to be used for Victoria Common only.

Funding for the scheme will come from the revenue budget for the site and be refunded from the income generated from parking fees, subject to Committee approving this report. Details of scheme cost and projected income are in Appendix I.

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 (Society of Friends). These works are regarded as essential health and safety improvements and business as usual for the Parks Service.

Phase 2 works for the car park 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.

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 for 2-4 hours
- £3 for 4 hours+

Chargeable rates will be captured as part of the public consultation.

The park 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 will be captured as part of the 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. 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 17th 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 the Park.
- 4.2 The parcel of land containing the car parking area was gifted by Mrs E. M. Cadbury and others on 12th 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 **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 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.
- 4.5 **Trustee Powers**
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.
- 4.6 **Trust Finances**
The land 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.

5. Evaluation of alternative option:

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.

6. Reasons for Decision(s):

6.1 To secure improvements to the park, 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. Plan showing proposed improvement scheme, project costs and operational costs
2. Update on the introduction of car parking charges to Cannon Hill Park and Victoria Park 27th February 2019

Trusts and Charities Committee

Update on the introduction of car parking charges to Cannon Hill Park

27th February 2019

Background

The decision to introduce car parking charges was part of the public consultation on the council's budgets in 2015-16 and again in 2016-17.

The introduction of car parking charges to Cannon Hill Park in October 2017 is part of an overall strategy to introduce charges across parks (approved by the Trusts & Charities Committee in February 2017 across 7 major city parks), in order to facilitate a programme of ongoing improvement works and to protect and safeguard services in parks.

The Cabinet Member Decision report for Cannon Hill was submitted to the Cabinet Member for Clean Streets, Recycling and Environment in April 2017 and made reference to the overall programme of roll-out across the aforementioned parks i.e. Cannon Hill, Sutton, Lickey Hills, Victoria Common, Perry Park, Edgbaston Reservoir and Rectory Parks. The report was called in, and was later approved at Cabinet in July 2017 following a more extensive consultation process with members of the public and stakeholders. Overall, the roll-out of charging was agreed in principle, although individual parks will need a separate Cabinet Member's decision for the capital spend; delegated authority may apply for some of the smaller parks listed.

Consultation

Consultation included all stakeholders that had an interest in the decision to introduce car parking charges and how the revenue generated from car parking income could support an ongoing programme of investment in the car parking facilities at Cannon Hill Park (e.g. the implementation of appropriate lighting, CCTV) alongside supporting and investing in the facilities and services with the parks.

Internally, the Cabinet Member for Clean Streets and Environment and the Cabinet Member for Value for Money and Efficiency were consulted along with the Acting Strategic Director for Place and the Council's Commercialism Board, who supported the proposal. The Chairman of the Trusts and Charities Committee was consulted, together with Local Members were also advised of the proposals and meetings were offered to discuss any concerns prior to finalising the schemes.

Compliance

The approach to introduce car parking charges in City Parks has been very carefully considered since it was first proposed to ensure its introduction is better understood and also to mitigate any impact on park users and other vulnerable groups.

The Cannon Hill scheme specifically supports a number of the Council's strategies, which are:

- Promotion of public transport and green travel options – the implementation of car parking charges has incentivised the use of green travel and public transport options. As part of the introduction of the scheme alternative forms of travel to parks were promoted and reinforced
- Commercialisation – the Council is embarking on a Commercialisation approach that seeks to maximise the financial value of every asset that the Council holds, including seeking to generate new revenue for the Council. The implementation of this scheme supports the Commercialisation approach and the scheme has been endorsed by the Commercialism Board while improving facilities and the availability of car park spaces for park users.

Financial implications

Capital investment of £450k was required to facilitate the infrastructure improvements associated with the project, namely:

- Surface improvements at the Birmingham Wildlife Conservation Centre car park which was a significant health and safety risk in its previous state
- Improved and additional lighting across the car parks
- Car parking infrastructure e.g. pay & display machines, signage, Traffic Regulation Orders.

The capital investment is funded through prudential borrowing over a 10 year period, repaid using revenue surpluses generated from the introduction of car parking charges.

The implementation of the car parking scheme at Cannon Hill Park was initially forecast to generate an ongoing revenue surplus of £31k. From October 2017 to end of March 2018 the scheme generated revenue to BCC of £41k. Revenue to BCC for 2018-19 is projected to

be £59k after capital repayments and operating costs have been deducted. The revenue is used to offset the ongoing operational and maintenance costs of Cannon Hill Park.

The 20% reduction in visitor numbers that was estimated has not been evidenced, and regular visitors to the park and MAC have reported they find it easier to find parking spaces

Benefits of scheme

Income from the car park charging scheme at Cannon Hill has contributed to the savings for the Parks Service.

The scheme has also enabled the Parks Service to make significant improvements to the health and safety of park, Wildlife Centre and MAC visitors through the improvement of car park surfaces, improved and additional lighting as well as the introduction of a CCTV scheme for the car parks.

Worked in close partnership with MAC on the day-to-day management of the car park, we have agreed an income-sharing arrangement for MAC providing these services.

Residents of surrounding roads, who historically have experienced inconsiderate/illegal parking because of their proximity to the park, have been protected through the traffic restrictions that were put in place as part of the project. Based on residents' feedback we implemented a Traffic Regulation Order to protect residents and then worked with the Enforcement Team to ensure the area was policed effectively.

Next steps

Given the success of the introduction of parking charges to Cannon Hill, it is felt it is in BCC's interest to pursue the roll-out of car parking charges to other parks, as it has enabled the Parks Service to invest in car park infrastructure as well as contribute to the department's savings targets – this would have been impossible without the revenue generated from the car park scheme.

The next report to be presented to the Committee on 20th March will be for the introduction of parking charges at Victoria Common.

Trusts and Charities Committee

Update on the proposed introduction of car parking charges to Victoria Common

27th February 2019

Update - Trusts & Charities Committee Report January 2019

Following submission of a report to the Committee on 23 January, the Committee requested further information on the items listed below:

- What consultation has taken place with the Friends Group for the park?
 - Informal discussions took place with the Victoria Common Friends Group when car parking charges was formally agreed by Cabinet. A stakeholder note was passed to the Friends Group w.c. 4th February
 - The District Parks Manager met with the Friends Group on 12th Feb where the matter was discussed. The Friends don't have an issue with charging because of the problematic nature of parking at the site currently. They have made the following suggestions:
 - 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 2-4 hours, £3 for 4 hours plus
 - Any signage should reflect the following statement, "Income from this car park is spent on maintaining Victoria Common" or similar, as people will be more accepting of the scheme
 - An all-day rate should be in place to capture staff of local businesses and to guarantee income level.
- What has been the extent of ward member consultation?
 - A members briefing note detailing the proposals and timescales was sent to respective local members (see below) on 9th November 2018:
 - Northfield
 - Kings Norton South
 - Kings Norton North
 - Longbridge & West Heath
 - Rubery & Rednal
 - Frankley & Great Park
 - Allens Cross
 - Weoley & Selly Oak
 - The members briefing note will be updated and recirculated to the members for the above wards.

- What will be the extent of consultation on surrounding roads?
 - The project team will widen the radius for potential traffic restrictions following feedback from the Committee and Friends of Victoria Common
 - Snapshot visits will take place to establish the impact that school parking has on the area and the potential impact of displacement as a result of the scheme
 - The public consultation will ask residents/consultees to suggest traffic restrictions for surrounding roads
 - Public consultation will begin once stakeholder consultation has been completed and will consist of questionnaires, face-to-face clipboard exercise, BeHeard survey, and email mailbox.

- What will be the enforcement arrangements?
 - Birmingham City Council has procured a citywide contract with NSL for parking enforcement. The Parks Service successfully use NSL for enforcement at Cannon Hill Park and propose to continue this arrangement as charges are rolled out to other sites including Victoria Common. Income from Penalty Charge Notices is retained by BCC; BCC pay for the cost of the deployment of their officers. To be clear, Parks will receive the income from the car park charges and the net income from any Penalty Charge Notices will be retained by us as this helps to offset the cost of enforcement.

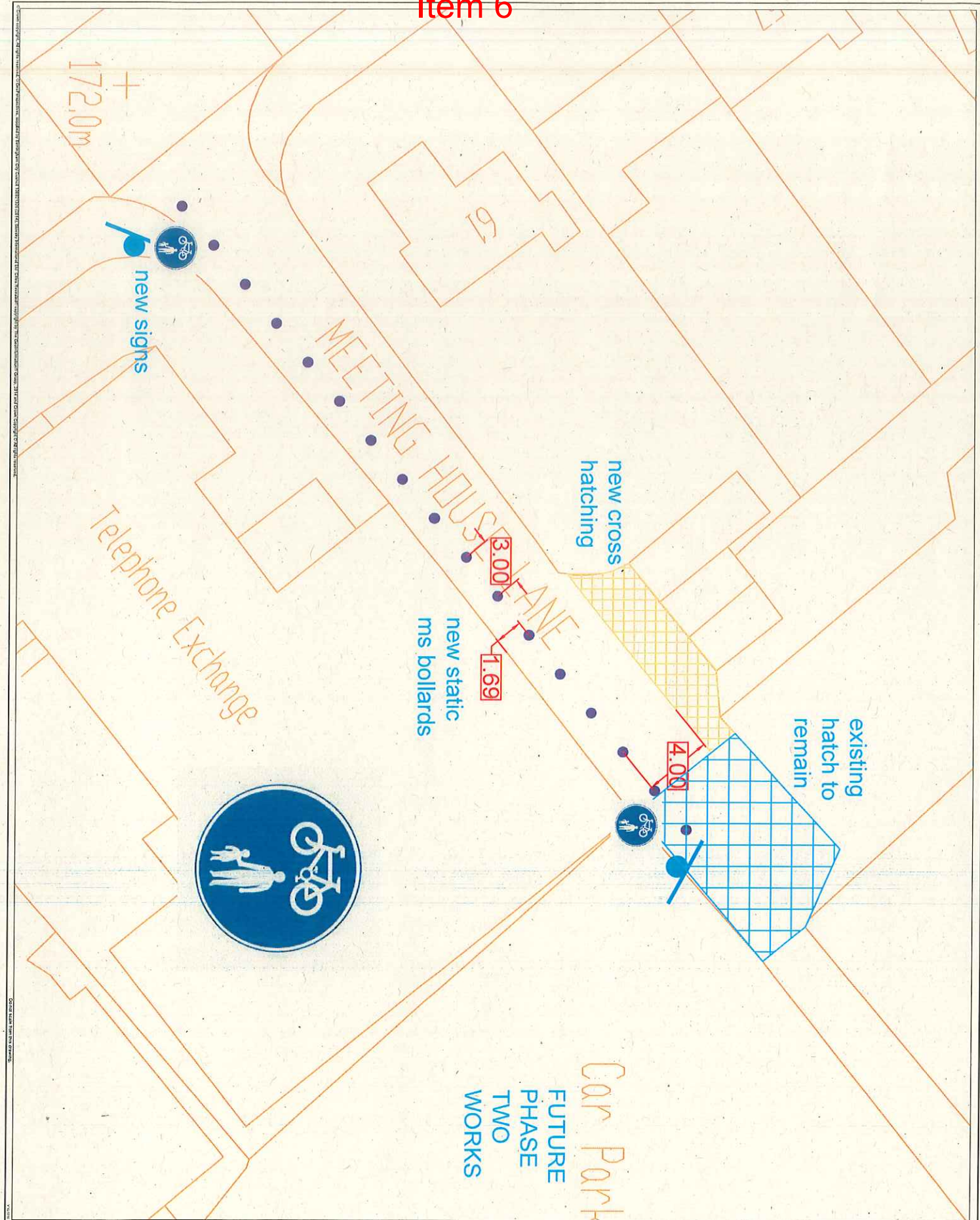
- What arrangements can be put in place to protect regular park visitors?
 - Following feedback from the Committee it is proposed that visitors will benefit from a reduced rate for the first hour. The proposed rates will be:
 - 50p for first hour
 - £2 for 2-4 hours
 - £3 for 4 hours+
 - Chargeable rates will be captured as part of the public consultation.

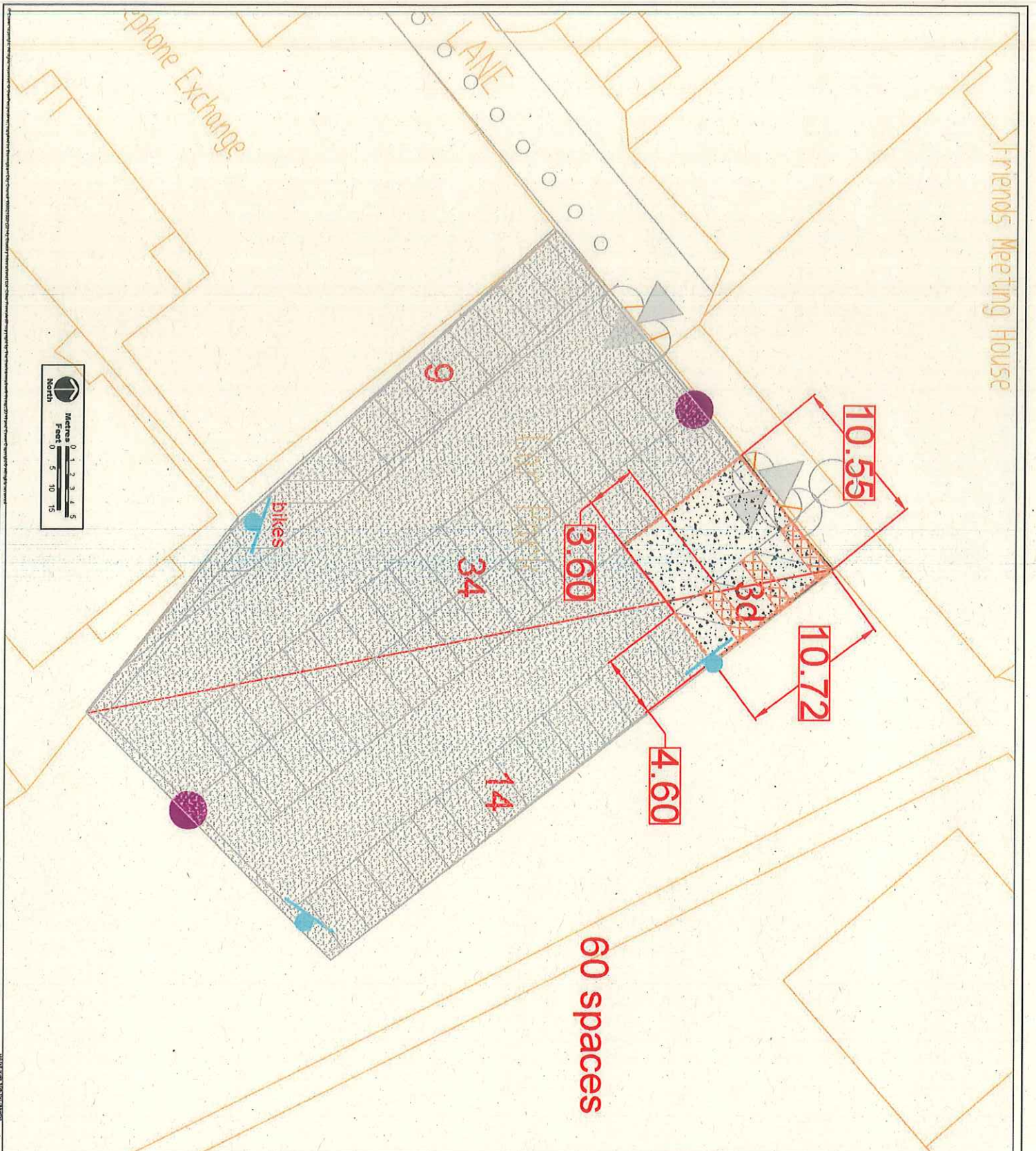
- What are the details of the finances for the scheme?
 - Please see attached appendix I for:
 - projected income figures
 - project costs (NB. Discussions are ongoing to reduce project costs)
 - The project team confirms that all income from Victoria Common will go back into a Victoria Common budget (account) to be used for Victoria Common only. The same will apply for Cannon Hill car park income
 - Funding for the scheme will come from the revenue budget for the site and be refunded from the income generated from parking fees.

- What are the details of the proposed works to the car park?
 - Please see attached appendix I
 - 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 written approval to proceed from the landowners (Friends of Society). These works are regarded as essential health and safety improvements and business as usual for the Parks Service
 - Phase 2 works for the car park 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.

Next steps

The Introduction of Car Parking Charges in Major Parks – Victoria Common report that was submitted to Trusts & Charities Committee in January will be updated with the information the Committee has requested and resubmitted for the next meeting, 20th March.





- Key**
- Pay and Display Machines, Ref.
 - BCC Parking Signs Detail TBC
 - Static Traffic Bollards, Ref: Phase One
 - Gates, Existing Refurbished.
 - Bitmac Paved Surface, Apron.
 - Porous MCT Type 1 top up surface to parking area.
 - Concrete pin kerb to apron
 - Timber edge to gravel surface.
 - Thermoplastic Cross hatching, Phase Two
 - ▲ Traffic direction marking.

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:	20 March 2019	
SUBJECT:	REVENUE BUDGET MONITORING 2018/19 – QUARTER 3 (TO 31 ST DECEMBER 2018)	
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 The appendices within this report notes the income and expenditure position for the Trusts and Charities as at Quarter 3, (up to 31 ST December 2018).

2. Decision(s) recommended:
2.1 To note the latest income and expenditure position of Trusts and Charities as at 31st December 2018.

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

3.	Consultation
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>N/A</p>
4.2	<p><u>Financial Implications</u> (Will decisions be carried out within existing finance and Resources?)</p> <p>The financial information provided relates to balances brought forward from 2017/18 and in year (2018/19) movements in expenditure and income. The opening balance as at the 1 April 2018 was £28.869m. Income up to the third quarter was £0.333m, expenditure £0.367m and gains on investments amounted to £0.589m. At the end of the quarter 3 (up to 31st December 2018) the closing balance stands at £29.425m.</p> <p>An analysis of income and expenditure for each Trust Fund is shown in Appendix 1.</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 (see separate guidance note)</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	Historically, assets including cash have been bequeathed or gifted to the City Council on trust for a group of beneficiaries. These funds must be maintained in trust both legally and financially and be distinct from City Council's own resources. Each trust has its own objectives or purposes and it is the responsibility of the Trusts and Charities Committee to exercise management decisions of these charitable trusts in accordance with charity law, and Charity Commission guidance.
5.2	Each Trust registered with the Charity Commission is required to annually submit an annual Report and Accounts, ten months after the end of the financial year, except where gross annual income is less than £25,000. Below this threshold, external scrutiny is only needed if this is set out in the Charity's governing document. The accounts of such Trusts are required to have been independently examined if gross income is between £25,000 and £500,000, and if the income exceeds £500,000 a full audit is required. An audit will also be required if total assets (before liabilities) exceed £3.26m, and the charity's gross income is more than £250,000.
5.3	This is the second report in the quarterly series for 2018/19. The information provided in Appendix 1 identifies income and expenditure for the period ending 31 st December 2018.

6.	Evaluation of alternative option(s):
6.1	Alternative options are not appropriate for this report.

7.	Reasons for Decision(s):
7.1	To ensure the Committee is aware of the current financial position for Trusts and Charities.

Signatures	<u>Date</u>
Chief Finance Officer
Chairman

List of Background Documents used to compile this Report:
1. Information provided by Directorates.
List of Appendices accompanying this Report :
<u>Appendix 1 - Quarter 3 Position 2018-19 Trust Funds.</u>

Quarter 3- 2018 2018/19 Income and Expenditure and Trust Funds Balances - to 31 st December 2018

APPENDIX 1

		(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	
Scheme	Directorate	Opening Balance 1.4.2018	Income	Expend	Investments Gains (+) Losses (-)	Closing Balance 31.12.2018	Unrestricted Funds Analysis- free to use				Restricted Funds- held permanently by charity				All funds Total £
							Cash	Investments	Land & Buildings	Total	Cash	Investments	Land & Buildings	Total	
							£	£	£	£	£	£	£	£	
Sole Corporate Trustee															
Harriet Louisa Loxton Trust	Adults	1,838,896	38,760	62,320	135,549	1,950,885	-14,139	199,596		185,457		1,765,428		1,765,428	1,950,885
Cropwood Estate	Childrens	14,786,299	39,381		5,164	14,830,844		132,655	14,175,000	14,307,655		523,189		523,189	14,830,844
Lily Ada Jones Charity	Place	77,586	3,392	885		80,093		46,582	33,511	80,093				0	80,093
Charles Baker Trust	Place	254,049	6,378	1,563		258,864		192,952		192,952		9,912	56,000	65,912	258,864
The Elford Estate Charity	Place	3,547,027	16,925	3,688	100,702	3,660,966		218,887		218,887		1,092,079	2,350,000	3,442,079	3,660,966
Highbury Trust	Finance &Governance	2,033,706	1,040	26,900		2,007,846				0		202,876	1,805,000	2,007,876	2,007,876
Birmingham Municipal Charity	Finance &Governance	699,963	16,255	1,000		715,218	77,170			77,170		638,048		638,048	715,218
Centre for the Child	Place	31,945		555		31,390.00		31,945		31,945	-555			-555	31,390
Young Active Travel- Birmingham Charitable Trust	Place	100,000	0	0		100,000	100,000			100,000				0	100,000
Sub-Total Sole Corporate Trustee		23,369,471	122,131	96,911	241,415	23,636,106	163,031	822,617	14,208,511	15,194,159	-555	4,231,532	4,211,000	8,441,977	23,636,136
Custodian Trustee															
Clara Martineau Charity	Childrens	4,072,040	102,959	150,209	369,895	4,394,685	-150,540	405,469		254,929.00		4,139,756		4,139,756	4,394,685
Birmingham Bodenham Trust	Childrens	695,341	6,982	18,072	(22,279)	661,972	7,483	112,938		120,421	0	541,551		541,551	661,972.00
Alderson Disabled ex servicemen's Homes trust	Place	464,294	89,938	89,938		464,294		133,627	322,857	456,484			7,810	7,810	464,294
Moseley Road Friends Institute	Place	224,400	10,560	10,617		224,343				0	-57		224,400	224,343	224,343
Sir Whitworth Wallis Trust	Finance &Governance	41,636	737	630		41,743	1,998			1,998		39,745		39,745	41,743
Charity of John Billingsley the Elder	Finance &Governance	2,128	4	0		2,132	2,132			2,132				0	2,132
Sub-Total Custodian Trustee		5,499,839	211,180	269,466	347,616	5,789,169	(138,927)	652,034	322,857	835,964	- 57	4,721,052	232,210	4,953,205	5,789,169
Total		28,869,310	333,311	366,377	589,031	29,425,275	29,104	1,474,651	14,531,368	16,030,123	-612	8,952,584	4,443,210	13,395,182	29,425,305

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	DIRECTOR OF PROPERTY
Date of Decision:	20 March 2019
SUBJECT:	SAREHOLE MILL RECREATION GROUND - LEASE OF SAREHOLE MILL TO BIRMINGHAM MUSEUM TRUST
Wards affected:	SELLY OAK

1. Purpose of report:

- 1.1 To approve the decision by the Chairman of the Trusts and Charities Committee to allow the completion of an Agreement for Lease and the grant of a lease for 25 years of the Mill premises to Birmingham Museums Trust.

2. Decision(s) recommended:

- 2.1 To note the action of the Chairman, in consultation with officers, in agreeing to the terms for the completion of an Agreement for Lease and subsequently the grant of a lease for 25 years of the Mill premises to Birmingham Museums Trust within the next 12 months and to delegating to the Director of Property authority to undertake all appropriate actions to negotiate the terms of the agreement and lease and for the City Solicitor to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above decisions and that the recommendation be referred to a future meeting of Council as Trustee..

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

Signatures:

Chief Officer(s):

Dated:.....

List of Appendices accompanying this Report (if any):

1. Chair's Action report dated 26th February 2019

3. Relevant background/chronology of key events:

- 3.1 None additional to the attached report.

Item 8

BIRMINGHAM CITY COUNCIL- TRUSTS AND CHARITIES COMMITTEE CHAIRS ACTION - SAREHOLE MILL RECREATION GROUND - LEASE OF SAREHOLE MILL TO BIRMINGHAM MUSEUM TRUST

Wards affected:	Hall Green North
-----------------	------------------

- 1.1 Sarehole Mill Museum is held in trust as part of registered charity no. 254995 known as "Sarehole Mill Recreation Ground (Foster for Botanical Gardens etc.)"
- 1.2 Birmingham City Council approved at their Cabinet meeting on 22 March 2016 the renewal of the wider contract for Birmingham Museums Trust to operate the Museums and Heritage Service including provision of services at Sarehole Mill Museum and approved that the occupational leases now be granted for 25 years. On 2nd March 2016 to assist the above decision and to ensure the all due diligence was undertaken in regards to trust properties the Trusts & Charities Committee approved the renewal of the lease of Sarehole Mill Museum to Birmingham Museums Trust on the same terms. Birmingham City Council approved a further report on the Birmingham Museums Trust contract and lease at its Cabinet meeting of 31 July 2018.
- 1.3 For operational reasons affecting other sites the leases are only now able to be completed. However for the lease at Sarehole Mill Recreation Ground requires additional approvals from the Charity Commission before it can be completed. Birmingham Museums Trust has requested that in lieu of the lease to evidence their occupation an Agreement for Lease be completed, such agreement to include a backstop date of 31st March 2020 for completion of the lease already approved in earlier reports. There is a necessity for the occupations of Birmingham Museums Trust to be evidenced by contract to enable BMT to receive all its funding.
- 1.4 Birmingham Museums Trust have also requested an additional area of the park be included in the lease to assist in creating a circular route around the Mill improving the visitor offer but also to properly separate the mill pond from the general park and reduce safety concerns but this will be subject to a further approval at Committee and at Council as trustee.

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

Decision - That the Chairman

- 2.1 Agrees that the grant of the lease for up to a 25 year term having already been approved the Agreement for Lease to Birmingham Museums Trust can be entered into to provide appropriate security for the occupation of Birmingham Museums Trust and that a report be brought to the next available Committee.
- 2.2 That the negotiation of the terms for the Agreement for Lease be delegated to the Assistant Director of Property

- 2.3 To seek any further approval necessary of the Charity Commission or other bodies as appropriate and to agree to make any applications necessary for appropriate powers of disposal.
- 2.4 Authorises the City Solicitor to place any formal advertisements required under s123 2(a) of the Local Government Act 1972 for the loss of public open space or required under any of the various statutes as may relate to the charitable status of the land including any appropriate consultation stages and to appraise the Committee of the results of that consultation.
- 2.5 Authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation for the operation of the land and buildings at Sarehole Mill Recreation Ground by Birmingham Museums Trust, including this lease, to give effect to the above decisions.

Signature of the relevant Chairman in approving the basis for the occupation of Sarehole Mill Museum and additional land at Sarehole Mill Recreation Ground by Birmingham Museums Trust:-

Chairman of the Trusts and Charities Committee:
Councillor Diane Donaldson

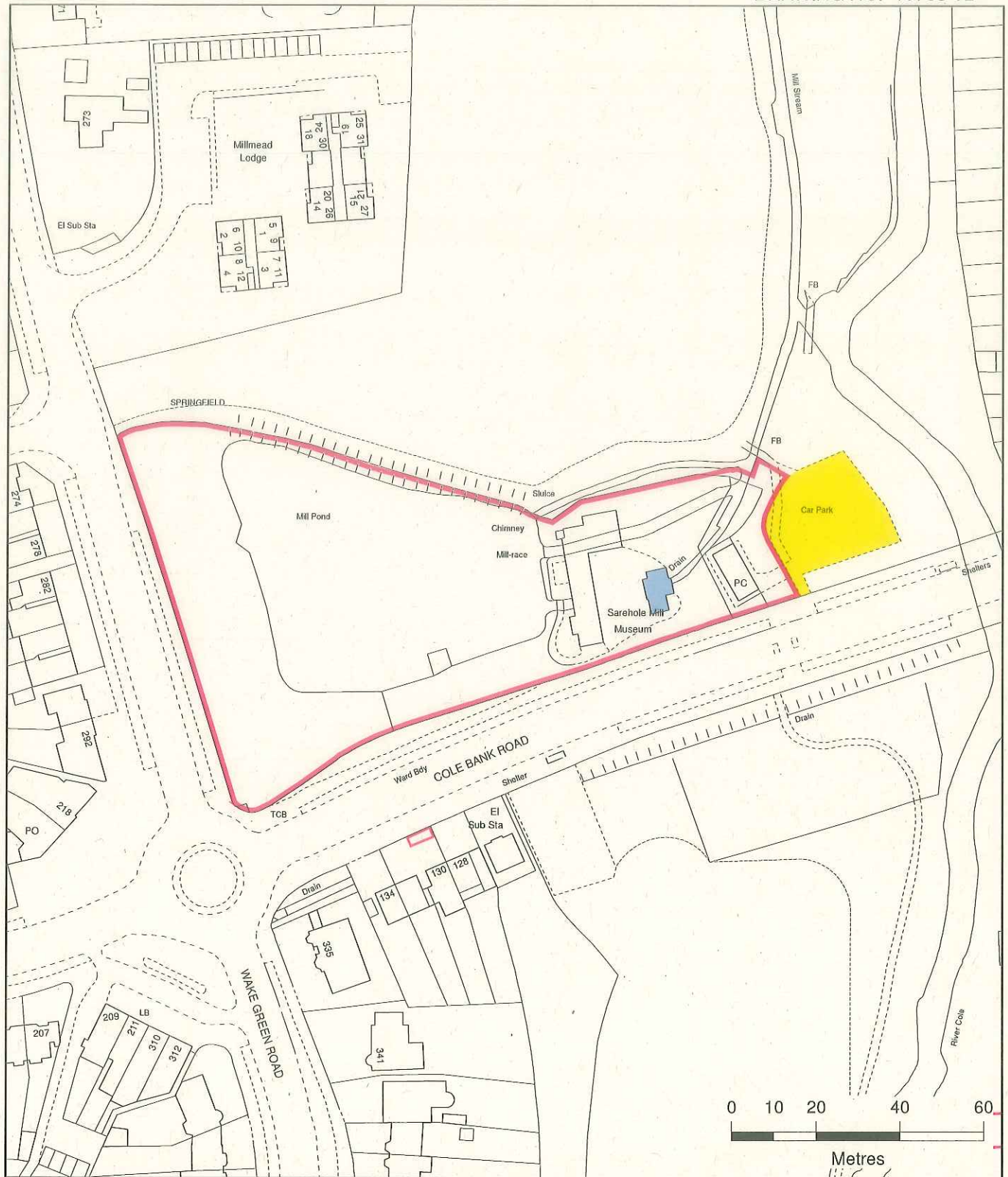
Diane Donaldson

Date: *26/2/2019*

Chief Officer:

Date:

Appendix - Plan



AREA EDGED RED

0.8

HECTARES APPROX.

1.99

ACRES APPROX.



Birmingham
City Council

Waheed Nazir
Corporate Director of Economy
1 Lancaster Circus
PO Box 14439
Birmingham, B2 2JE

Sarehole Mill Museum
Cole Bank Road



SCALE

1:1,250

DRAWN

Bharat Patel

DATE _____

25/02/2019

O.S.Ref SP0981NE

Produced by the Survey and Mapping Team, Transport and Connectivity, Inclusive Growth Directorate, 1 Lancaster Circus, Birmingham, B4 7DJ Tel. 303 3867.
© Crown Copyright and database right 2019. Ordnance Survey 100021326. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
Aerial Photography, if present, Copyright Bluesky 2016.

BIRMINGHAM CITY COUNCIL – Council as Trustee

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director of Property (Interim) 20th March 2019
SUBJECT:	HIGHBURY – AWARD OF TRUST FUNDS TO CHAMBERLAIN HIGHBURY TRUST
Wards affected:	Moseley

1. Purpose of report:

To seek the Committee's approval to award a further grant to Chamberlain Highbury Trust from the unrestricted funds of the Highbury Estate

2. Decisions recommended:

That the Committee:

- 2.1 Award a grant to Chamberlain Highbury Trust from the Highbury Estate funds as set out in Appendix 1 and in the private report.
- 2.2 To instruct officers in Finance and Legal Services to take all necessary steps to facilitate the award of the grant to Chamberlain Highbury Trust and Report back to a future Committee meeting, once the grant application project has been completed.

Lead Contact Officers:	Nigel Oliver
Telephone No: E-mail address:	0121 303 3028 nigel.g.oliver@birmingham.gov.uk

3. **Compliance:**

3.1 Consultations:

No additional separate consultation is envisaged at this stage. Ward Members have not been specifically consulted as this is not usually undertaken for Trust matters and this matter is not considered controversial.

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 charity's Trust document as amended by any Scheme approved by the Charity Commission. Trustees can also rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power for the trustees to manage the assets of the Trust as absolute owner. The objects of the charity as set out in paragraph 4.4 are necessarily limited but will enable the future management of the estate without hindrance. Actions proposed by the Trustees are required to be in the best interests of the trust and are intended to safeguard the trust estate for the future.

The Highbury Trust holds the freehold interest of the land in trust as Sole Trustee and is empowered to undertake actions to properly manage the assets of the Trust including effecting repairs. Chamberlain Highbury trust have been appointed to act as managing trustees for the Highbury Estate and have previously had two grant awards to assist in funding their operations.

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 and purposes of the trust and charity law and as Trustees to ensure that actions are undertaken within financial resources.

Highbury Trust's only resources are the accumulated rent from the letting to Civic Catering and annual award of monies from the Leader to the Trusts and Charities Committee to further its activities generally but which has in recent years been principally allocated for repairs at Highbury. The unrestricted funds of the Highbury Estate are sufficient to cover the request if approved. The continuation of Chamberlain Highbury Trust is very desirable at this stage and they cannot continue without financial support.

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

N/A. 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 Highbury Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury Hall and Chamberlain House and three lodges. It now accommodates part of Uffculme Special School in Chamberlain House and also at 92 Queensbridge Road the Four Seasons Gardeners, an Adult Services enterprise.
- 4.2 The Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31st March 1932 and is held in trust as Registered Charity no 1039194 since 1994. Chamberlain Highbury Trust registered charity no. 1169845 has been set in place to best resolve the governance issues and to manage the Estate and seek external grants to enable the refurbishment of Highbury. Chamberlain Highbury Trust (CHT) is actively progressing its further bid to the National Lottery Heritage Fund (NLHF),.
- 4.3 It has now submitted a report to update the Committee about the recent bid for NHLF Funding, to account for the allocations to the Chamberlain Highbury Trust (CHT) from the Highbury Trust (HT) in 2018/19, and to seek approval for allocations to cover operating costs in 2019/20.

4.4 Aims and Objectives of the Charity

Each charitable asset is held as a separate trust and decisions need to be in the best interests of that trust. The terms of the gift simply provided that the Trustees should hold them “in the first instance for use as a hospital for the treatment of limbless and other soldiers, sailors or pensioners” and “if and when the Trustees should consider that they were no longer needed for those purposes the Trustees should hold the property for such public purposes as they with the consent of the Corporation of Birmingham might determine or might at the request of the Corporation transfer it to them for the general benefit of the Citizens of Birmingham”. The Objects of the Charity remain as originally set “for the general benefit of the Citizens of Birmingham”. The Trust secured additional powers through the Charity Commission Scheme to effect disposals.

4.5 Trustee Powers

The charity's constitution is set out within the executed Trust Deed, principally the acquisition deeds or as amended by any Scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the governing documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist for the Trustees to make decisions on the future of the assets.

4.6 Charity Finances

Formal accounts are required to be prepared for the Charity Commission returns where appropriate. The Trust has a strong revenue stream principally from the letting of Highbury to Acivico for the continuing use of the property as a wedding/conference centre but the cost of on-going repairs continually outstrips the resources available. However the continuation of CHT and their proposed activities on the Estate are beneficial to the Trust and are to be welcomed and necessarily at this stage they require financial support. If successful in their bids for HLF and other monies they would progress the refurbishment and take over the management of the Estate and over time end any need for the trust to directly support them.

5. Evaluation of alternative option:

- 5.1 There is currently no alternative to progressing matters via CHT as they resolve the former governance issues and represent the best opportunity to win new monies for the Estate. To properly support them financially in the meantime is an appropriate use of Trust funds. To do nothing is not an option.

6. Reasons for Decision(s):

6.1 To best safeguard the asset long term it is appropriate to continue to support CHT in the financial year 2019/20.

Date

Signatures

Chairman of the Trusts & Charities Committee

.....

Chief Officer
Assistant Director of Property (Interim)

.....

List of Background Documents used to compile this Report:

1. None.

List of Appendices accompanying this Report (if any):

1. None.