

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

FRIDAY, 30 OCTOBER 2020 AT 14:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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.

4 MINUTES

5 - 6

To note the public part of the Minutes of the last meeting of the Trust and Charities Committee held on 18 March 2020.

5 MATTERS ARISING

To discuss matters arising from the Minutes.

6 REVENUE BUDGET MONITORING 2019/20 - QUARTER 4 (TO 31 MARCH 2020)

7 - 12

Report of the Chief Financial Officer.

7 **HIGHBURY TRUST - AWARD OF FUNDS TO CHAMBERLAIN
HIGHBURY TRUST (UPDATE)**

Report of the Assistant Director of Property.

8 **GEORGE CADBURY FOR PUBLIC PARK - FREINDS OF MANOR FARM
PARK PROGRESS REPORT**

Report of the Assistant director of Property.

9 **DATE OF NEXT MEETING**

That the next meeting be held on Wednesday 2 December 2020 at 1030 as an on-line meeting.

10 **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.

11 **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'.

12 **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:-

Private minutes of the last meeting Exempt Paragraph 3

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

13 **MINUTES - PRIVATE**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

14 **MATTERS ARISING - PRIVATE**

To discuss matters arising from the Minutes.

15 **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.

PRIVATE**MINUTES AND MATTERS ARISING**1106 **RESOLVED:-**

That part 1 and part 2 of the Minutes of the last meeting of the Trusts and Charities Committee held on 22 January 2020 be confirmed and signed.

MATTERS ARISING FROM THE MINUTES

1107 There were no matters arising from the Minutes.

OTHER URGENT BUSINESS (EXEMPT INFORMATION)

1108 There were no matters of urgent business raised.

The meeting ended at 1115 hours.

.....
CHAIRMAN

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 20 October 2020	
SUBJECT:	REVENUE BUDGET MONITORING 2019/20 – QUARTER 4 (TO 31 ST MARCH 2020)	
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 appendix within this report notes the income and expenditure position for the Trusts and Charities as at Quarter 4, (up to 31 ST March 2020).

2. Decision(s) recommended:
2.1 To note the final income and expenditure position of Trusts and Charities as at 31st March 2020 the financial year 2019/20.

Lead Contact Officer(s):	Graham Arrand
Telephone No: E-mail address:	n/a 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>
	N/A
4.2	<u>Financial Implications</u>
	The financial information provided relates to balances brought forward from 2018/19 and in year (2019/20) movements in expenditure and income. The opening balance as at the 1 April 2019 was £29.997m. Income up to the final quarter was £0.704m, expenditure £0.951M. At the end of the quarter 4 (up to 31 st March 2020) the closing balance stood at £29.750m.
	An analysis of income and expenditure for each Trust Fund is shown in Appendix 1.
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 (see separate guidance note)</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	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 Trust 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 final report in the quarterly series for 2019/20. The information provided in Appendix 1 identifies income and expenditure for the period ending 31 st March 2020.

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 4 Position 2019-20 Trust Funds.</u>

Quarter 4 - 2019/20 Income and Expenditure and Trust Funds Balances - to 3

APPENDIX 1

		(A)	(B)	(C)	(E)
Scheme	Directorate	Opening Balance 1.4.2019	Income	Expend	Closing Balance 31.03.2020
<u>Sole Corporate Trustee</u>					
Harriet Louisa Loxton Trust	<u>Adult& Social Care</u>	1,904,256	52,729	247,225	1,709,761
Cropwood Estate	<u>Education& Skills</u>	14,872,516	22,586	17,505	14,877,596
Lily Adia Jones Charity	Neighbourhoods	80,930	4,674	1,316	84,288
Charles Baker Trust	Neighbourhoods	261,367	8,952	2,201	268,117
The Elford Estate Charity	Neighbourhoods	4,155,504	61,951	11,966	4,205,489
Highbury Trust	<u>Finance &Governance</u>	2,036,493	123,336	128,831	2,030,999
Birmingham Municipal Charity	<u>Finance &Governance</u>	717,360	21,846	7,973	731,234
Centre for the Child	<u>Neighbourhoods</u>	30,951	-	1,139	29,811
Young Active Travel- Birmingham Charitable Trust	Inclusive Growth	94,500	-	8,767	85,733
Sub-Total Sole Corporate Trustee		24,153,877	296,075	426,924	24,023,028
<u>Custodian Trustee</u>					
Clara Martineau Charity	<u>Education& Skills</u>	4,353,213	139,422	307,151	4,185,484
Birmingham Bodenham Trust	<u>Education& Skills</u>	725,313	46,981	20,996	751,298
Alderson Disabled ex servicemen's Homes trust	Neighbourhoods	499,544	121,611	89,822	531,333
Moseley Road Community Centre	Neighbourhoods	218,600	97,925	103,725	212,800
Sir Whitworth Wallis	<u>Finance &Governance</u>	44,490	1,775	2,622	43,643
John Billingsley the Elder	<u>Finance &Governance</u>	2,142	159	145	2,155
Sub-Total Custodian Trustee		5,843,301	407,873	524,461	5,726,713
Total		29,997,179	703,947	951,384	29,749,742

BIRMINGHAM CITY COUNCIL – Council as Trustee

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director of Property 30th October 2020
SUBJECT:	HIGHBURY TRUST – AWARD OF FUNDS TO CHAMBERLAIN Highbury TRUST (UPDATE)
Wards affected:	Moseley

1. Purpose of report:

The Committee to note the report and accounts submitted by Chamberlain Highbury Trust.

2. Decisions recommended:

That the Committee

- 2.1 notes a report allocating funds of £42,000 to the Chamberlain Highbury Trust was approved at the committee on 18th March 2020 .
- 2.2 notes the report submitted by Chamberlain Highbury Trust to update the Committee on recent activity; to account for the allocations to the Chamberlain Highbury Trust from the Highbury Trust in 2019/20; and to report the up to date position on the allocations to the Chamberlain Highbury Trust from the Highbury Trust in 2020/21 as set out in Appendix 1.
- 2.3 notes the accounts of Chamberlain Highbury Trust for the financial year 2019/20 as set out in Appendix 2.
- 2.4 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 actual spend is known.

Lead Contact Officers:	Nigel Oliver
Telephone No: E-mail address:	0121 303 3028 nigel.g.oliver@birmingham.gov.uk
Lead Contact Officers:	Graham Arrand
Telephone No: E-mail address:	0121 464 3003 Graham.Arrand@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

No additional separate consultation is required or envisaged at this stage.

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.

Chamberlain Highbury Trust have been appointed to act as managing trustees for the Highbury Estate and have had grant awards to assist in funding their operations in previous years.

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 income resources are the annual rent from the letting to Civic Catering. This income has generally been sufficient to cover the request where approved.

The continuation of Chamberlain Highbury Trust is very desirable at this stage and appropriate financial support from the Highbury Trust is required to meet the duties required of them.

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 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 for which Chamberlain Highbury Trust continues to develop its bid to the NLHF.

4.3 It has now submitted a report to update the Committee about their recent activity, to account for the allocations to the Chamberlain Highbury Trust from the Highbury Trust in 2019/20, and to make clear the spend to anticipated spend of the allocation to cover operating costs in 2020/21.

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 at Highbury 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 Highbury Trust has a revenue stream principally from the letting of Highbury to Civic Catering for the continuing use of the property as a wedding/conference centre but the cost of on-going repairs continually outstrips the resources available. The impact of Covid-19 restrictions will substantially reduce income projections for this year. The continuation of Chamberlain Highbury Trust and their proposed activities on the Estate are beneficial to the Trust and are to be welcomed and at this stage do require an annual allocation of funds. The CHT reports in Appendix 1 note that also due to Covid-19 restrictions there has been an underspend on their current year allocation.

5. Evaluation of alternative option:

5.1 There is currently no alternative to progressing matters via Chamberlain Highbury Trust 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 This is a noting report only. No decision is required but to best safeguard the asset long term it is appropriate to continue to support Chamberlain Highbury Trust.

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. Appendix 1 Report of Chamberlain Highbury Trust.
2. Statutory Accounts of Chamberlain Highbury Trust for 2019/20

Draft Report to T&CC

Purpose

To present the Chamberlain Highbury Trust (CHT) Revised Budget for 2020/21 and the Statutory Accounts for 2019/20.

Revised Budget 2020/21

At it's meeting in March 2020 the Committee approved a grant of £42000 to CHT to fund the estimated costs of the Trust in 2020/21, subject to review in the light of what was then the emerging Covid 19 issue.

Although Highbury has been closed to the public CHT has continued to plan and deliver some outdoor activity, including a very successful Heritage Open Day. The Trust Board has continued to meet monthly and work is progressing well to submit a further updated bid to the National Lottery Heritage Fund in due course. Discussions have also been held with a number of potential other funders, including local charitable trusts and the Local Enterprise Partnership.

Good progress is also being made on the Gardens Project in partnership with the City Council and work to repair the roof is virtually complete.

The following table compares the CHT Revised Budget, which totals £34755, with that approved in March. The reductions are mainly due to the implications of Covid 19 and the Trust has been successful in raising some further external funding for the Rhododendron Project:

	Original Budget £	Revised Budget £
Admin Support	6000	5260
Board Meetings	1000	500
Audit & Prof Advice	2250	2250
Insurance	850	870
Other costs	1450	1000
Project Dev Manager	17320	17320
Activity Planner	6000	5740
Acquisition Costs & Oral History project	1850	1000
HOD	2900	2315
HE Funding Requirment	3600	1500
Exhibitions & Sustainability Festival	5540	5540
Charitable & Other Activity	1000	500
Fruit Tree Project	5280	5280

Rhododendron Project	4280	3000
TOTAL	59320	52075
less PDM b/fwd from 2019/20	17320	17320
Net 2020/21	42000	34755

CHT Statutory Accounts 2019/20

Details of the likely outturn for the last financial year were included in the CHT report to the March Committee. The Statutory Accounts, a copy of which is attached, were approved at the CHT Annual General Meeting on 21 March.

The key points to note are:

Expenditure during the year totalled just over £60000 compared to the grant from the Highbury Trust of £73500, the difference mainly reflecting the carry forward of the balance for the Project Development Manager fees.

Total unrestricted funds at 31 March were £39165, including £17320 in respect of Project Development Manager fees, which will be spent in 2020/21 and 2021/22.

The “underlying level” of unrestricted funds is therefore just over £20000, which is the Trusts working capital and represents between 33% and 50% of current annual expenditure

Total restricted funds at 31 March were £23128, mainly comprising a grant from a local trust fund, which has been earmarked as part funding for the Garden Project

Recommendations

The Committee is recommended:

to note the revised budget for 2020/21 and authorise a grant of £34755 to Chamberlain Highbury Trust from the Highbury Trust

note the Chamberlain Highbury Trust Annual Report and Accounts for the year ended 31 March 2020

THE CHAMBERLAIN HIGHBURY TRUST
(a company limited by guarantee)

Unaudited

ANNUAL REPORT

For the Year Ended 31 March 2020

THE CHAMBERLAIN Highbury Trust

Contents

	Page
Reference and Administrative Details of the Charity, its Trustees and Advisers	1
Trustees' Report	2 – 7
Independent Examiner's Report	8
Statement of Financial Activities	9
Balance Sheet	10
Notes to the Financial Statements	11-15

THE CHAMBERLAIN Highbury TRUST

Reference and Administrative Details of the Charity, its Trustees and Advisers for the Year Ended 31 March 2020

Directors and Trustees

Dr P D Ballard
Mr P M Davis
Ms S S Edwards
Prof I D Grosvenor
Dr A M Millward
Miss J L Smith
Mr L T Sparks
Ms L S Trickett (resigned 8 September 2020)
Mr M S Williams
Ms B Jones (appointed 8 September 2020)

Company secretary

Miss J L Smith

Charity registered number

1169845

Company registered number

10157307

Principal office

Highbury, 4 Yew Tree Road, Moseley, Birmingham, B13 8QG

Accountants

Cooper Parry, Park View, One Central Boulevard, Blythe Business Park, Solihull, B90 8BG

Bankers

Natwest Bank, 112a High Street, Kings Heath, Birmingham, B14 7LQ

Independent Examiner

Mr Simon Atkins FCA of Cooper Parry Group Limited

THE CHAMBERLAIN Highbury TRUST

Trustees' Report For the Period Ended 31 March 2020

The Directors, who are also Trustees of the charity for the purposes of charity law, are pleased to present their third annual report for the period ended 31 March 2020. The Trustees confirm that the annual report and financial statements of the charity comply with the Companies Act 2006, Charities Act 2011, the requirements of the charity's governing document and the provisions of the Statement of Recommended Practice (SORP) "Accounting and Reporting by Charities," published in October 2019.

Structure, governance and management

Constitution

The charity is governed by its Memorandum and Articles dated 30 April 2016.

The principal objects of the charity are:

- to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the land and buildings known as the Highbury Estate on the borders of Moseley and Kings Heath, Birmingham, West Midlands, including the Grade II* listed house and the Grade II registered historic park forming part of the Highbury Estate;
- to advance the education of the public in:
 - the history of the Chamberlain family and in particular (but not limited to) their legacy in relation to civic leadership;
 - the history and heritage of the Highbury Estate; and
 - the conservation, protection and improvement of the physical and natural environment
- to promote social inclusion for the public benefit by preventing people from becoming socially excluded, relieving the needs of those people who are socially excluded and assisting them to integrate into society;
- to advance the education of the public by promoting, fostering and encouraging the knowledge, understanding and appreciation of the arts in particular (but not limited to) within and around Birmingham; and
- to further such other exclusively charitable purposes according to the law of England and Wales as the Trustees in their absolute discretion from time to time determine.

Method of appointment or election of Trustees

The appointment of the Chair and Vice-chair was reported to the Trusts & Charities Committee of Birmingham City Council, which is responsible for the administration of the City Council's Charities, on 11 November 2015. Following public advertisement, six further public trustees were appointed later that month. On 2 March 2016, the Committee nominated the two Council members to the Trust to bring to ten the number of trustees. In 2019, Companies House and the Charity Commission were notified of the termination of appointment of the vice chair. Two trustees were subsequently appointed as co vice-chairs at the beginning of the year and a further person was co-opted to the Board in October.

Trustee Training

Whilst all Trustees had experience of trusteeship or similar responsibilities at the time of their appointment, the Company Secretary has regularly drawn to Trustees' attention guidance and advice from the Charity Commission and other relevant sources. Trustees with specific professional qualifications and other responsibilities have attended training relevant to those professions and responsibilities. The Trust is committed to undertaking regular skills audits of trustees to ensure Trustees are competent to discharge their statutory responsibilities and duties. A skills audit was undertaken during the year and trustees attended a training session on trustee roles and responsibilities and Charity Commission priorities.

THE CHAMBERLAIN Highbury TRUST

Trustees' Report For the Period Ended 31 March 2020

Risk Management

The Trust created a high-level risk register when it was formally established. The key strategic risk for the Trust continues to be the failure to achieve a successful National Lottery Heritage Fund (NLHF) bid for the major restoration of the house and grounds. The Trust has developed a Risk Management Strategy and Procedures to manage and mitigate the risks inherent in a major renovation and refurbishment project. Those risks include raising match funding, construction cost overruns, damage to the fabric of the building, and failure to maintain good relations with partners, stakeholders, tenants, local residents and neighbours.

At the year's end it was recognised that the register would need to address the additional risks consequent on the Covid-19 pandemic.

Trustees acknowledged that the lockdown and social distancing rules introduced to overcome the virus would impact very significantly on the programme for Highbury in the immediate future and that they would have to adopt new strategies and envisage alternative scenarios to cope with the situation.

Despite the lockdown and the impact on its emerging activities, the Trust remains committed to the renovation of the hall and grounds so that the estate can be opened to the people of Birmingham as was envisaged when it was first gifted to the people and is well advanced to submit a bid for National Lottery Heritage Funds during 2020/21.

Policies and objectives

In setting the aims and objectives and in planning future activities the Trustees have given due consideration to general guidance published by the charity commission relating to public benefit.

Achievements and performance

Heritage Lottery

In March 2019 the HLF had announced its new Strategic Funding Framework for 2019/20 onwards. Despite the failure of previous lottery bids, trustees decided that there were sufficient advantages in the new arrangements to warrant a fresh application to the new National Lottery Heritage Fund for the restoration and refurbishment of the Highbury Estate.

Cultural Consulting Network (CCN) were appointed by the Trust in August 2019 to act as Project Development Manager for the development and submission of this application. CCN reviewed the Trust's previous lottery applications before mapping potential partnerships and stakeholders, updating project costs and sources of income and preparing a revised Business Plan and Fundraising Strategy.

Activity Planning

CCN endorsed the Trust's decision to develop a pilot programme of wide ranging activities in the house and grounds in order to be able to demonstrate to the NLHF, in support of the application, the demand for, and feasibility of conducting such events at Highbury. It was agreed that a priority for the programme would be the engagement of young people in leadership, governance and citizenship, drawing inspiration from the Chamberlain legacy and its current relevance to local government, health and social housing, corporate responsibility and civic leadership.

The Trust appointed an Activity Planner who has made important connections with schools and other education groups and has liaised with a large number of local community groups. She established a fortnightly programme of free Open Days at Highbury offering workshops, exhibitions, lectures and tours of the house which were proving very popular. Unfortunately, the programme had to be suspended after the first four events because of the pandemic.

Other events bringing life and communities to Highbury included: young people from the Birmingham UpRising Leadership course exploring ideas for social reform using a 'Chamberlain' approach; a school parliament and debating events; and events involving The Gardens Trust, Friends of BMT, Lapworth History Society and others.

THE CHAMBERLAIN Highbury TRUST

Trustees' Report For the Period Ended 31 March 2020

Heritage Open Day

The Trust's fourth Heritage Open Day on 15th September once more opened the house to the public as a contribution to the city's Heritage Week. This year the event was held in cooperation with the Birmingham School of Art and marked the bicentenary of John Ruskin who was a major influence on the architect of Highbury, John Henry Chamberlain. The mansion was designed in the Venetian Gothic style inspired by Ruskin's writings, notably *The Stones of Venice*, 1851-53.

Works by the students which had been inspired by Ruskin, were displayed in the building. The Trust commissioned a series of display panels (sponsored by Glenn Howells Architects) explaining the connections between Ruskin and J.H. Chamberlain, and the cartoonist, Hunt Emerson, displayed a series of cartoons on the life and work of Ruskin. Francis Chamberlain unveiled a portrait of his grandfather, Neville Chamberlain.

Partnerships and Events

The Trust has continued hosting a programme of events at Highbury to trial opportunities and demand for interactive debates on the Chamberlain legacy and its current relevance to local government, health and social housing, corporate responsibility and civic leadership. During 2019/20 events have included:

- a 'Question Time' event held jointly with the Lunar Society and chaired by Sir Michael Lyons. The topic was 'The Importance of Place and How does Birmingham Measure up', addressing issues of governance in the modern city.
- Highbury hosted Birmingham Civic Society's Next Generation Awards event and the AGM of the Gardens Trust
- IGers Birmingham, or Instagrammers of Birmingham, the Birmingham branch of the global Instagrammers movement held a photographic event at Highbury to record the heritage assets of the house and grounds.
- final year undergraduates from the University of Birmingham's Department of Drama and Theatre Arts devised a performance piece 'Frozen Orchids' which charted the history of Highbury through a series of vignettes using rooms in the House and landscape features in the gardens.
- The Trust worked with the City Council, Schools and Women's organisations to stage an event in September inspired by debates at International Women's Day in 2019. Under the title "Be Bold; Be Brave; Be Birmingham" it focussed on the future of women in Birmingham and on enabling young women to engage in policy making and decision taking.

The Gardens Project

In September 2019 the whole of Highbury Park (Grade II) which includes the grounds of the Highbury Estate was also placed on Historic England's Heritage at Risk Register. The Trust decided to embark on a first phase of its landscape restoration programme for the 30 acres of gardens designed by Edward Milner in 1879. The 'Gardens Project' will reinstate the original driveway from the Lodge up to the house, restore the rhododendron garden, open up views between the grounds and the house and improve the footpath network to the east of the house. The Trust secured grants of £100k from both the NLHF and Historic England towards the cost of the work, together with £80k from the Highbury Trust and £20k from a local charitable trust. Work is planned to start during 2020.

Research and Conservation projects

The Fruit Tree Pergola

The fruit tree pergola is the last remaining original structure in what was formerly Highbury's kitchen garden. The work, with grants from the Stanley Smith Horticultural Trust and the John Feeney Charitable Trust, has been aimed at recreating through propagation the fruit tree heritage still existent on the site.

The pergola is thought to have been constructed and planted circa 1896. A photograph of the area, dated 1900, appears to show the pergola with young trees establishing within it which would indicate that the fruit trees within the pergola are almost 125 years old. This is close to the maximum life span for apple trees, although pears can live slightly longer. Dr Rob Tilling (Lets Grow Together) has led volunteers in grafting one-year old wood onto new rootstock to cultivate replacement trees, alongside some DNA sampling for research and identification purposes.

THE CHAMBERLAIN Highbury TRUST

Trustees' Report For the Period Ended 31 March 2020

The Fruit Tree Pergola (continued)

The pergola itself is currently in a poor state, but some pruning work has been carried out upon it and pruning workshops run over the next two winters will bring the existing pergola trees back into shape, encourage productivity and generate greater amounts of new scion wood for use in future tree grafting work.

Chamberlain Highbury Trust see the care and ongoing survival of this heritage as important in the overall plans they have for restoration of the house and grounds in coming years. It is planned that all of the specimens now on-site that link back to the Chamberlain family will eventually have a replacement propagated and that these will be used to recreate the pergola.

The Rhododendron Survey

The rhododendron survey carried out in 2018 individually identified and assessed the rhododendrons that were planted in the grounds between 1879 and 1914. Michael Lear gave a presentation of the survey results to Trustees who decided to undertake a second project to include propagation of the most important plants in the collection which are largely unavailable commercially. This will produce authentic stock for the rejuvenation of the collection and will be done by layering and by micropropagation in collaboration with a laboratory in Cornwall that has pioneered micropropagation of heritage rhododendrons. Around 35 plants will be cloned to produce 150 plants, which will eventually be used in re-establishing the lawn beds and reinstating lost planting in the rhododendron garden.

The project will deepen our understanding of the Highbury Estate and contribute to a significant living heritage asset. This will be an essential aspect of restoring Highbury as a place of learning and leisure for future generations to appreciate and enjoy.

Oral History Project

CHT trustees and a representative from Kings Heath Local History Group designed and initiated an oral history project to capture the memories of people with stories to tell about life on the Estate and their connections to those who lived and worked there. A group of trustees and volunteers participated in a one-day training course by an oral historian from Nottingham Trent University. The list of potential interviewees, the topic guides and the equipment were all in place but then lockdown happened. The project will be re-started as soon as government guidance allows.

Accessions

During the year, the Trust was presented with a suite of bedroom furniture. The suite was made in the United States, probably in Boston, and was the gift of Mr and Mrs William Crowinshield Endicott to their daughter Mary when she married Joseph Chamberlain in November 1888. It was shipped to England via Liverpool.

The furniture is of bird's eye maple, a popular wood in the United States for high quality furniture. It comprises a double bed, bedside table, dressing table, chest of drawers, writing table, wash table and two side chairs.

It is the gift of Miss Patricia Swinley. It had passed by descent from Mary Endicott Chamberlain, later Mrs Carnegie, to her step-daughter Jocosa Carnegie, later Mrs Swinley, the mother of the donor. She also presented the Trust with two bowls that had belonged to Mary.

At the September Heritage Open Day, Oliver Chamberlain, grandson of Austen Chamberlain and a patron of the CHT, and his daughter Sarah presented the Trust with two carved wooden plaques which were sold in 1915 along with much of the Highbury furniture, following Joseph's death the year before.

These gifts required trustees to consider and develop a policy on accessions and disposals. The Trust decided to adopt the Spectrum Collection Management Standard (which is a requirement should the Trust decide to apply for Accreditation Status in the future).

THE CHAMBERLAIN Highbury TRUST

Trustees' Report For the Period Ended 31 March 2020

Review of activities

Management arrangements

A freelance Trust Coordinator was appointed by CHT from the beginning of November 2016 to manage the administration of the Trust and liaise with the local community. This arrangement has continued with the replacement of the original coordinator in January 2020.

Birmingham City Council (BCC) Liaison meetings

Meetings continue between the Council and Trust to progress discussions about leases, business planning, transfer of funds and management of the Estate. There were also discussions during the year about the future of the Council's Civic Catering operation and its position at Highbury.

Estate management protocol

The protocol for the management of the grounds of Highbury that was drawn up and agreed with the City Council's Parks Department, the Friends of Highbury Park, the Highbury Orchard Community CIC, the Four Seasons Project and the Birmingham Beekeepers Association has been maintained through a programme of regular meetings of the group throughout 2019/20.

Communications/website

The monthly newsletter updating all subscribers on key news and forthcoming events, the www.chamberlainhighburytrust.co.uk website and twitter and Facebook accounts keep the Trust in regular contact with its supporters.

Financial review

Income for the year totalled £77,763 and charitable expenditure totalled £60,610. As at 31 March 2020, the Charity had total unrestricted funds carried forward of £39,165 of which £17,320 has been earmarked to meet existing commitments.

Reserves policy

The Trustees aim to maintain reserves at a level sufficient to support the operational expenditure and any commitments of the Charity for a period of 12 months.

THE CHAMBERLAIN Highbury TRUST

Trustees' Report (continued) For the Year Ended 31 March 2020

Plans for the future

Proposals for the Estate

The house

The Trust is planning to accommodate a combination of activities in the house that will provide both an income to ensure the viability of the Trust, and provide public access to the building and opportunities for educational and cultural activities.

The refurbishment of the house will involve extensive external repairs and the complete renewal of services, including complete rewiring, the replacement of the boilers and a new heating system.

The grounds

The refurbishment of the park will involve the de-silting of the lake and ponds, the re-establishment of selected historic features, improvements to access and the establishment of a ten year management and maintenance plan.

Trustee Responsibilities

The trustees (who are also directors of The Chamberlain Highbury Trust for the purposes of company law) are responsible for preparing the Trustees' Annual Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Company law 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 charitable company and of the incoming resources and application of resources, including the income and expenditure, of the charitable company 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 (FRS 102);
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK 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 charitable company will continue in operation.

The trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charitable company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charitable company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The trustees are responsible for the maintenance and integrity of the corporate and financial information included on the charitable company's website. Legislation in the United Kingdom governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

In preparing this report, the trustees have taken advantage of the small companies exemptions provided by section 415A of the Companies Act 2006.

This report was approved by the Trustees on _____ and signed on their behalf by:

Les Sparks, Trustee

INDEPENDENT EXAMINER'S REPORT TO THE TRUSTEES OF THE Highbury Chamberlain Trust

I report to the charity trustees on my examination of the accounts of the company for the year ended 31 March 2020 which are set out on pages 9 to 15.

Responsibilities and basis of report

As the charity trustees of the company (and also its directors for the purposes of company law) you are responsible for the preparation of the accounts in accordance with the requirements of the Companies Act 2006 ('the 2006 Act').

Having satisfied myself that the accounts of the company are not required to be audited under Part 16 of the 2006 Act and are eligible for independent examination, I report in respect of my examination of your company's accounts as carried out under section 145 of the Charities Act 2011 ('the 2011 Act'). In carrying out my examination I have followed the Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act.

Independent examiner's statement

I have completed my examination. I confirm that no 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 company as required by section 386 of the 2006 Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the accounting requirements of section 396 of the 2006 Act 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; or
4. the accounts have not been prepared in accordance with the methods and principles of the Statement of Recommended Practice for accounting and reporting by charities [applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)].

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.

SIMON ATKINS FCA

Cooper Parry Group Limited
Park View
One Central Boulevard
Blythe Valley Business Park
Solihull
B90 8BG

THE Highbury Chamberlain Trust

**Statement of Financial Activities
For the Year Ended 31 March 2020**

	Note	Unrestricted £	Restricted £	Year ended 31 March 2020 £	Year ended 31 March 2019 £
INCOME FROM					
Donations	2	73,500	2,098	75,598	41,480
Other income		2,165	-	2,165	365
		<hr/>	<hr/>	<hr/>	<hr/>
TOTAL INCOME		75,665	2,098	77,763	41,845
		<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
EXPENDITURE ON					
Charitable activities	3	60,383	227	60,610	32,698
		<hr/>	<hr/>	<hr/>	<hr/>
TOTAL EXPENDITURE		60,383	227	60,610	32,698
		<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
NET INCOME FOR THE YEAR		15,282	1,871	17,153	9,147
Transfer between funds		127	(127)	-	-
Total unrestricted funds at 1 April 2019		23,756	21,384	45,140	35,993
		<hr/>	<hr/>	<hr/>	<hr/>
TOTAL FUNDS AT 31 MARCH 2020	7	39,165	23,128	62,293	45,140
		<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

The notes on pages 11 to 15 form part of these financial statements.

THE Highbury Chamberlain Trust
(Company Number: 10157307)

Balance Sheet
As at 31 March 2020

		2020		2019	
	Note	£	£	£	£
CURRENT ASSETS					
Debtors	5	424		173	
Cash at bank		67,736		81,490	
		<u>68,160</u>		<u>81,663</u>	
CURRENT LIABILITIES					
Creditors	6	(5,867)		(36,523)	
		<u></u>		<u></u>	
NET CURRENT ASSETS			62,293		45,140
			<u></u>		<u></u>
NET ASSETS			62,293		45,140
			<u></u>		<u></u>
CHARITY FUNDS					
Unrestricted funds	7		39,165		23,756
Restricted funds	7		23,128		21,384
			<u></u>		<u></u>
TOTAL FUNDS			62,293		45,140
			<u></u>		<u></u>

The Trustees consider that the charitable company is entitled to exemption from the requirement to have an audit under section 477 of the Companies Act 2006 and members have not required the charitable company to obtain an audit of its accounts for the period in question in accordance with section 476 of the Act. The Trustees acknowledge their responsibilities for ensuring that the charitable company keeps accounting records which comply with section 386 of the Companies Act 2006, and for preparing financial statements which give a true and fair view of the state of affairs of the charitable company as at 31 March 2020 and of its incoming resources and application of resources, including the net income or expenditure for the period then ended in accordance with the requirements of sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to the financial statements so far as applicable to the charitable company.

The financial statements have been prepared in accordance with the special provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were approved by the Trustees on _____ and signed on their behalf by:

Les Sparks, Trustee

The notes on pages 11 to 15 form part of these financial statements.

**Notes to the Accounts
For the year ended 31 March 2020**

1. ACCOUNTING POLICIES

1.1 Basis of preparation of financial statements

The Chamberlain Highbury Trust is a company limited by guarantee incorporated in England. The address of the registered office is given in the charity information on page 1.

The accounts have been prepared under the historical cost convention with items recognised as cost or transaction value unless otherwise stated in the relevant note(s) to the accounts.

The charity constitutes a public benefit entity as defined by FRS 102. The financial statements have been prepared in accordance with Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Ireland (FRS 102) issued on 16 July 2014, the Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland (FRS 102), the Charities Act 2011, the Companies Act 2006 and UK Generally Accepted Accounting Practice as it applies from 1 January 2015.

The financial statements have been prepared on a going concern basis under the historical 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 preparation of these financial statements are set out below.

1.2 Fund accounting

General funds are unrestricted funds which are available for use at the discretion of the Trustees in furtherance of the general objectives of the charity and which have not been designated for other purposes.

Restricted funds are funds which are to be used in accordance with specific restrictions imposed by donors or which have been raised by the charity for particular purposes.

The cost of raising funds and administering such funds are charged against the specific fund.

The aim and use of each fund is set out in the notes to the financial statements.

1.3 Incoming resources

All incoming resources are included in the Statement of Financial Activities when the charity has entitlement to the funds, after any performance conditions have been met, the amount can be measured reliably and it is probable the income will be received.

1.4 Resources expended

Expenditure is accounted for on an accruals basis and has been included under expense categories that aggregate all costs for allocation to activities. Where costs cannot be directly attributed to particular activities they have been allocated on a basis consistent with the use of the resources.

Irrecoverable VAT is charged as an expense against the activity for which the expenditure arose.

1.5 Going concern

The trustees have assessed the impact of the Coronavirus pandemic on the Foundation and are confident that the Foundation has sufficient resources to continue to operate for a period of at least 12 months from the date of signing these financial statements. Accordingly, the financial statements have been prepared on a going concern basis as no material uncertainties exist.

CHAMBERLAIN Highbury TRUST

Notes to the Accounts For the year ended 31 March 2020

2. DONATIONS

	2020 £	2019 £
Donation from the Highbury Trust	73,500	33,000
Other Donations	<u>2,098</u>	<u>8,480</u>
	75,598	41,480

Donations of £41,480 were received in the prior year, £33,000 related to unrestricted funds and £8,480 related to restricted funds.

3. CHARITABLE EXPENDITURE

	2020 £	2019 £
Charitable activities		
Legal and professional fees	18,598	18,293
Business support	25,980	
Independent examination fees	1,237	1,233
Other costs	<u>14,795</u>	<u>13,172</u>
	60,610	32,698

Expenditure in the prior year totalled £32,698 of which £21,996 related to unrestricted funds and £10,702 related to restricted funds.

4. NET INCOMING RESOURCES

During the period, no Trustees received any remuneration.
During the period, no Trustees received any benefits in kind.
During the period, Trustee Dr P Ballard received expenses totalling £1,015 (2019: £1,184) to cover the cost of travelling from her home in Reading to meetings and other events in Birmingham from her home in Reading. No other Trustee received any reimbursement of expenses.

5. DEBTORS

	2020 £	2019 £
Trade Debtors	-	173
VAT Recoverable	<u>424</u>	<u>-</u>
	424	173

CHAMBERLAIN Highbury Trust

Notes to the Accounts For the year ended 31 March 2020

6. CREDITORS

	2020 £	2019 £
Accruals	5,867	3,523
Grants in advance	-	33,000
	<u>5,867</u>	<u>36,523</u>

7. STATEMENT OF FUNDS

	Brought Forward £	Incoming resources £	Resources Expended £	Transfer between funds £	Carried Forward £
Unrestricted funds					
General funds	23,756	75,665	(60,383)	127	39,165
	<u>23,756</u>	<u>75,665</u>	<u>(60,383)</u>	<u>127</u>	<u>39,165</u>
Restricted funds					
HLF Bid	21,030	1,098	-	-	22,128
Launch & Brochure	354	-	(227)	(127)	-
Rhododendron Survey	-	1,000	-	-	1,000
	<u>21,384</u>	<u>2,098</u>	<u>(227)</u>	<u>(127)</u>	<u>23,128</u>
TOTAL	<u>45,140</u>	<u>77,763</u>	<u>(60,610)</u>	<u>-</u>	<u>62,293</u>

HLF Bid – These funds represent monies which will be used to match fund the HLF grant if the bid is successful.

Launch and Brochure – These funds represent funds granted to cover the cost of the launch and the production of a brochure.

Rhododendron Survey – These funds represent a private donation towards the cost of a research project to identify the Rhododendrons planted by Joseph Chamberlain when the grounds were first created.

CHAMBERLAIN Highbury Trust

Notes to the Accounts For the year ended 31 March 2020

7a. STATEMENT OF FUNDS – PRIOR YEAR

	Brought Forward	Incoming resources	Resources Expended	Transfer between funds	Carried Forward
	£	£	£	£	£
Unrestricted funds					
General funds	14,443	33,365	(21,996)	(2,056)	23,756
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Restricted funds					
HLF Bid	20,550	480	-	-	21,030
Launch & Brochure	-	4,000	(3,646)	-	354
Rhododendron Survey	1,000	4,000	(7,056)	2,056	-
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	21,550	8,480	(10,702)	2,056	21,384
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	<hr/> 35,993	<hr/> 41,845	<hr/> (32,698)	<hr/> -	<hr/> 45,140

8. ANALYSIS OF NET ASSETS

	Unrestricted Funds	Restricted Funds	Total
Cash at bank & in hand	45,032	23,128	68,160
Other net current assets	(5,867)	-	(5,867)
	<hr/>	<hr/>	<hr/>
	39,165	23,128	62,293
	<hr/>	<hr/>	<hr/>

8a. ANALYSIS OF NET ASSETS – PRIOR YEAR

Cash at bank & in hand	-	21,550	21,550
Other net current assets	14,443	-	14,443
	<hr/>	<hr/>	<hr/>
	14,443	21,550	35,993
	<hr/>	<hr/>	<hr/>

CHAMBERLAIN Highbury Trust

Notes to the Accounts

For the year ended 31 March 2020

9. RELATED PARTIES

There were no related party transactions during the period.

10. MEMBERS

The charity is incorporated as a company limited by guarantee having no share capital and in accordance with the Memorandum of Association, every member is liable to contribute a sum of £10 in the event of the company being wound up. At 31 March 2020 there were 8 members.

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	PARKS SERVICES MANAGER 30th October 2020
SUBJECT:	GEORGE CADBURY FOR PUBLIC PARK – FRIENDS OF MANOR FARM PARK PROGRESS REPORT
Wards affected:	Weoley & Selly Oak

1. Purpose of report:

To note the progress report submitted by the Cadbury Barn Trust.

2. Decision(s) recommended:

That the Committee notes:

- 2.1 previous reports to Committee for proposals for the development of community facilities within the park have been brought in the name of the Friends of Manor Farm Park but future reports will be in the name of Cadbury Barn Trust a new Charitable interest Organisation reg.no. 1190666
- 2.2 the report set out in appendix 1

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

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.

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

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. Previous reports to Committee have acknowledged the desire for additional community and public facilities in the park and have allocated funds to undertake surveys to better inform the Committee and have undertaken repairs to the lodge roof.
- 4.2 At the meeting of the Committee on 14th December 2016 a recommendation 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. That was approved by Council as Trustee on 7th February 2017. Matters have not been progressed pending progress on the Options Appraisal/Business Case. A further report was brought to Committee on 22nd January 2020 where recommendations were to progress these matters.
- 4.4 **Aims and Objectives 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**
Each property in trust is held as a separate trust and decisions by the trustees need to be in the best interests of that trust only and fully in accordance with the powers of the trust. The assets of the Trust should at all times assist the Trust to comply with the objects and purposes of the trust. 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. A trust's constitution is set out within the executed Trust Deed for each property. The seeking of the proposed new Scheme as approved previously is required as the existing documents do not provide any useful management powers normally associated with a modern charity. That the land is treated as 'specie land' requires that new powers can only be obtained by an application for a Scheme to the Charity Commission. Should the application for a new Scheme be successful it is anticipated that the trust would have powers to grant leases and make other disposals and enable alternative uses within the buildings etc.
- 4.6 **Trust Finances**
The majority of the trust asset is open parkland with the remainder being the depot area formed from the original farmhouse and barns. There is no regular income stream.

5. Evaluation of alternative option:

To do nothing is not an option as the powers currently available to the Trust are insufficient to enable change.

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, 22nd January 2020

List of Appendices accompanying this Report (if any):

1. Progress Report - Cadbury Barn Trust - update on the project to develop facilities at the entrance to Manor Farm Park

Cadbury Barn Trust - update on the project to develop facilities at the entrance to Manor Farm Park

Paper for the Trusts and Charities Committee on 30th October 2020

Background: The Stakeholder Group, led by Friends of Manor Farm Park (FoMFP), has been meeting since 2012 to develop this project. Previous reports to the Committee have been presented by the Friends, but a new CIO has now been established to lead the project. This report updates the Committee on the plans to provide community facilities on the site of the former Cadbury Barn in Manor Farm Park, Weoley Ward.

In November 2019 FoMFP representatives met Sue Amey, Parks Manager and Nigel Oliver, Property Services to consider Council surveys of the remaining buildings; FoMFP rejected the development proposed for the two and single storey farm buildings on the basis of the excessive cost of renovating an old building of no architectural or heritage value. However we confirmed that we wished to retain the Lodge as part of the transfer of the site for community use, via a long lease. Following this meeting an Options Report was finalised indicating the preferred way forward - a mix of restoration, demolition of the single storey building and new provision. The Report included a full business plan and other studies and was submitted to Sue Amey and Nigel Oliver in December 2019.¹

In January 2020 FoMFP again met Nigel Oliver and Sue Amey and agreed a paper to be presented to the Trusts and Charities Committee meeting later that month. At that meeting the Committee gave in principle support to progress the transfer subject to full Council approval. Given the subsequent delays we would request the support of the Trusts and Charities Committee on 30th October to take whatever next steps are required, including submission to the Council meeting on 3rd November if necessary, to enable the project to progress.

New developments: Since January 2020 there have been three significant developments which have impacted on our original proposal, but the overall aims and purpose of the project remain the same.

1. **New Charity:** The Stakeholder Group and the Friends have established a new Charitable Incorporated Organisation, the Cadbury Barn Trust (CBT), (reg. 1190666) which will be the body taking forward future negotiations and hold the future lease. For the public benefit, the object of the CBT is: -
 - To further or benefit the residents of Northfield, Birmingham, and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objective of improving the conditions of life for the residents.
 - In furtherance of these objects but not otherwise, the trustees shall have power:
 - To establish or secure the establishment of a community centre at Manor Farm Park and to maintain or manage or co-operate with any statutory authority in the maintenance and management of such a centre for activities promoted by the charity in furtherance of the above objects.
2. **New partnership:** The Cadbury Barn Trust (CBT) is now working in partnership with the Birmingham School of Bell Ringing (BSoBR) (registered charity number 1170942)² to develop the site of the former Cadbury Barn and repurpose the remaining unused buildings at the entrance to Manor Farm Park in Weoley. Together, the two Trusts have a shared vision to revitalise the area for the public benefit, by upgrading and reusing the buildings for a range of uses including community space, toilets, refreshments and what will be an innovative new Bell Ringing School, building on Birmingham's reputation as the 'First City of Bells'.

The BSoBR aim to restore the Lodge and add an iconic new bell tower which will form an attractive feature at the main park entrance. The CBT and the BSoBR believe that their separate purposes will be complementary and synergistic, jointly attracting more people to use the services and facilities on the site, as well as the park, than either organisation on their own. Further, they believe that their combined

¹ The full document can be accessed here: [Manor Farm Park Proposed Developments - Options Report V2 0 Final.pdf](#)

² The Birmingham School of Bell Ringing was established in 2013 as is widely regarded as the gold standard for teaching change ringing in the English style.

expertise and networks will be mutually beneficial in developing their own projects in tandem. While there is still work to be done on the detail of the partnership and future arrangements, discussions with the Council to further the plans for the site should be undertaken with representation from both parties.

3. New restrictions - scaling down of plans: The Covid-19 pandemic has necessitated a rethink of the nature and timescale of the development by the CBT. There is a need to future-proof the design of buildings and activities by ensuring that future social distancing through smaller numbers of users or participants, in larger and/or more open spaces can be accommodated, along with enhanced cleaning and sanitation measures and other appropriate changes. Since the length of time until removal of current restrictions is unknown, it seems sensible to defer opening the original style café until such time that we can be sure of achieving the projected numbers in the business plan. Instead we would propose starting with a less ambitious offering with smaller scale premises, limited opening times, smaller selection of food and drinks, which could be pre-packed and portioned, alongside a greater amount of covered open space for seating allowing better ventilation and social distancing.

Similarly, there would be a greater emphasis on providing smaller scale group activities outdoors, utilising the covered outside space. Some office space could be made available subject to suitable screening and other measures. Toilets would be included but made available only to those participating in activities or using the facilities.

One approach, which has not been discussed with Officers, but is similar to that taken in Cotteridge Park, could be using converted shipping containers with interior modifications to provide space for catering with storage, toilets and community space. They could surround a large courtyard covered by a canopy, with an open terrace overlooking the park. The containers would be sited on the car park overlooking the park to take advantage of the view and attract visitors. In order to retain the same level of car parking space it is proposed that the single storey farm building be demolished (toilet facilities having been reprovided for the depot staff). As time progressed and demand and support increased either the number of containers could be increased, or new modular pods could be added, or ultimately larger scale new build could be considered. The two storey barn would be retained and as both funds and Covid restrictions permitted, restored to include office space on the first floor and hireable community / exhibition space on the ground floor.

We believe we could obtain that sufficient funding from a variety of sources to undertake ground works and purchase or extended lease the containers and canopy and related security measures, including the ring fenced Section 106 and insurance monies subject to confirmation that they can be used in this way. As the project develops the CBT will seek additional funding from other sources to enable future developments to supplement the income generated in the first phase. A phased approach has previously suggested by Council officers and given the changed circumstances it seems appropriate to adopt it subject to discussion and agreement with the City.

Next steps: The Council is therefore asked to proceed with the steps necessary for a community asset transfer to enable the Trust to further the plans outlined above, procure and fit the containers, and start delivering interim activities and services. Specifically:

- Applying to the Charities Commission for a deed of variation to allow the Council as Trustee for the George Cadbury for Public Parks Trust, to lease part of the site, and to allow trading activities and additional uses.
- Invoking the Council's Community Asset Transfer protocol as it applies to sites held in trust.
- Starting discussions with the Cadbury Barn Trust and Birmingham School of Bell Ringing on the heads of terms of a potential lease as preferred provider.

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