

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

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

WEDNESDAY, 20 SEPTEMBER 2017 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, 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.birminghamnewsroom.com) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

5 - 14

3 MINUTES - TRUSTS AND CHARITIES COMMITTEE

To note part 1 of the Minutes of the last meeting of the Trusts and Charities Committee held on 19 July 2017.

4 MATTERS ARISING

To discuss matters arising.

15 - 20

5 MANOR FARM PARK CADBURY BARN

Update briefing note from the Friends of Manor Farm Park

21 - 72

6 CHAMBERLAIN GARDENS PARK LEGACY PROJECT PHASE 1

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

73 - 80

7 **MOSELEY ROAD COMMUNITY CENTRE (FRIENDS INSTITUTE), 220
MOSELEY ROAD B12 0DG**

Report of Strategic Director of Place

81 - 86

8 **ELFORD ESTATE - DISPOSAL OF LAND ADJOINING PAGET HOUSE**

Report of Assistant Director of Property

87 - 92

9 **HIGHBURY - DISPOSAL OF FORMER LODGE 98 QUEENSBRIDGE
ROAD**

Report of Assistant Director of Property

93 - 98

10 **TRUST AND CHARITIES FUND BALANCES 2017/18 QUARTER 1**

Report of Mike O'Donnell

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 Chair 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:-

Minutes - Exempt Paragraphs 3 and 4

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

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.

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 19 JULY 2017
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 19 JULY 2017
AT 1630 HOURS IN COMMITTEE ROOM 6,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors Diane Donaldson, Mick Finnegan, Jayne Francis and Paul Tilsley.

ALSO PRESENT:-

Sanjeev Bhopal – Committee Lawyer
Nigel Oliver – Birmingham Property Services
Alison Jarrett – Assistant Director of Finance
Ken Lyons – Head of Commercialism
John Carrigan – Birmingham Wellbeing Service
Sarah Stride – Committee Manager
John Stewart – Friends of Manor Farm Park representative
Lesley Pattenson – Friends of Manor Farm Park representative.

904

APPOINTMENT OF COMMITTEE

The following resolution of the City Council was submitted appointing the Committee for the Municipal Year 2017/2018 with the following Members:-

Labour (5)

Councillor Diane Donaldson
Councillor Mick Finnegan (Vice-Chairman)
Councillor Jayne Francis
Councillor James McKay
Councillor Habib Rehman (Chairman)

Conservative (2)

Councillor John Alden
Councillor David Pears

Liberal Democrat (1)

Councillor Paul Tilsley

NOTICE OF RECORDING

- 905 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.

APOLOGIES

- 906 Apologies were submitted on behalf of Councillors John Alden and David Pears for their inability to attend the meeting.
-

MINUTES

- 907 **RESOLVED:-**

That part I of the Minutes of the last meeting of the Trusts and Charities Committee held on 19 April 2017 was noted.

MATTERS ARISING FROM THE MINUTES

- 908 In response to a question raised by Councillor Tilsley in relation to Minute No. 901, Alison Jarrett confirmed that funding had been released to the Highbury Trust and that the payment was made on time in April 2017.

Councillor Tilsley stated that he was satisfied with the response provided and he thanked officers who were involved in the funding transfer.

TERMS OF REFERENCE OF THE TRUSTS AND CHARITIES COMMITTEE

The following terms of reference were submitted:-

(See Document No. 1)

- 909 **RESOLVED:-**

That the Terms of Reference of the Trusts and Charities Committee be noted.

DATES OF FUTURE MEETINGS

- 910 **RESOLVED:-**

The Trusts and Charities Committee agreed the following schedule of meetings for 2017/2018:-

2017

20 September, Committee Rooms 3 & 4
15 November, Committee Room 2
13 December, Committee Room 2

2018

17 January, Committee Room 2
21 March, Committee Room 2
18 April, Committee Room 2

All meetings will be held at 1030 hours at the Council House, Victoria Square, Birmingham (venue may change if a site visit is requested).

DECLARATIONS OF INTERESTS

911

RESOLVED:-

Members were reminded that they must declare all relevant pecuniary interests relating to any items of business to be discussed at this meeting. If a 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.

No declarations of interests were raised in the meeting.

GEORGE CADBURY FOR PUBLIC PARK (KNOWN LOCALLY AS ‘MANOR FARM PARK’) – SAFEGUARDING THE CADBURY BARN UPDATE

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 2)

Nigel Oliver, Birmingham Property Services introduced the report and welcomed John Stewart and Lesley Pattenson, Friends of Manor Farm Park to the meeting to give a verbal update.

John Stewart gave a verbal update and made the following comments:

- Friends of Manor Farm Park wished to carry out a feasibility study with other stakeholders and it was hoped that a charitable organisation would be formed in order to provide a vehicle to obtain external funding. It was hoped that one of the stakeholders would be a Member representative from Birmingham City Council.
- A bid for funding has been submitted to the Heritage Lottery Fund (HLF). Friends of Manor Farm Park were meeting with representatives from HLF in

August to discuss the bid to ensure that the application submitted was successful.

- The report in point 4.2 refers to vandalism in the Park, and he stated that a further incident had occurred after the report had been submitted. However, progress was being made, albeit slow progress.
- He gave a brief background to the works ongoing and stated that The Friends of Manor Park Farm wish to restore the barn, which was originally built by George Cadbury in 1895, for use as a community asset with a café thereby opening up the Park for the local community and visitors.
- The barn was currently boarded up in an attempt to prevent any future vandalism. The most recent act of vandalism involved thieves trying to steal the lead from the roof.

The Chairman thanked the Friends of Manor Park Farm for their attendance and the provision of the verbal update.

It was –

912

RESOLVED:-

The Trusts and Charities Committee noted the actions undertaken by the Friends of Manor Park in line with matters approved at the Trusts and Charities Committee held on 14 December 2016 to:

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

At this point in the meeting the Chairman proposed, and it was agreed to change the order of the agenda and consider agenda item no.15.

CHARGING FOR CAR PARKING IN PARKS PROJECT UPDATE

The following report of the Project Manager for the Introduction of Charges for Car Parking in Major City Parks was submitted:-

(See Document No. 3)

Ken Lyons, Head of Commercialism introduced the report and gave the following verbal information:

Trusts and Charities Committee – 19 July 2017

- An initial report was submitted to the Trusts and Charities Committee in March 2017 which covered both Cannon Hill Park and Sutton Park. Since that report was submitted officers have been informed that Sutton Park is not held in trust and is therefore not under consideration. The report submitted is specifically in relation to car parking charges in Cannon Hill Park only.
- A Cabinet Member report jointly with the Chief Officer was produced which was subject to call in by elected Members and the issue was therefore submitted to Cabinet Committee who agreed to endorse the original recommendations and endorse car parking in Cannon Hill Park set at £2 for four hours and £3 for a whole day.
- Implementation of the scheme will commence in August and the charges collected will be ring-fenced to enhance security and maintenance of Cannon Hill Park.
- Improvement works are being undertaken in the current car parking at the Nature Centre end as overtime they had been neglected and were in need of resurfacing works.
- Consultation exercises have taken place on what impact car parking charges will have on the local area and local roads. An experimental traffic regulation order is currently under investigation to ensure the flow of traffic.
- Over 100 participants took part in the public consultation exercise that was undertaken in the park itself.
- The consultation period for surrounding roads will continue for many months in order to monitor the impact of park users parking their vehicles on residential roads in order to avoid the car parking charges in the Park.
- The consultation period on surrounding roads will end when the experimental traffic regulation order has been deemed efficient and working well in the locality.

In response to questions from Members as to whether the land in Sutton Park was held in trust or not, Sanjeev Bhopal advised the Chairman that he would address the issues raised and answer questions from Members when the meeting was held in private.

The Chairman agreed to the advice given and requested Ken Lyons to submit a further report to the Trusts and Charities Committee once the experimental traffic regulation order had been endorsed and all comments gathered during the public consultation exercises were collated.

It was -

913

RESOLVED:-

That the Charging for Car Parking in Parks Project update report be noted.

CALTHORPE PARK – LEASE TO HEALTH AND WELLBEING SERVICE MUTUAL ORGANISATION

The following report of the Service Director – Sport, Events, Open Space and Wellbeing was submitted:-

(See Document No. 4)

Nigel Oliver, Birmingham Property Services introduced the report and welcomed John Carrigan to the meeting to give a verbal update.

John Carrigan gave a verbal update regarding the service operation and made the following comments:

- A full consultation exercise has been completed and a report will be submitted to Cabinet Committee to approve the recommendations in August.
- Consultants from Support England have been involved and have offered help and support throughout the process.

The Chairman noted an amendment contained in the report and stated that the Ward affected should read Sparkbrook Ward.

It was -

914

RESOLVED:-

The Trusts and Charities Committee –

- (i) noted that the Health and Wellbeing Service now manages the former Calthorpe Park Play Centre on Edwards Road and that they wish to continue the provision of services from this hub location and that the Service transformation being proposed as set out in the proposed Cabinet report seeking approval to facilitate the establishment of a community benefit society (also known as a mutual) to deliver the Council outcomes currently being delivered through the Wellbeing Service and that this change will require the occupation of the premises on the trust's land to be regulated by the grant of a formal lease;
- (ii) agreed that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person';
- (iii) authorised the making of applications a Deed of Release of the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises'
- (iv) authorised the disposal by way of a lease up to twenty five (25) years from an early date to be agreed, of the land currently allocated to the Service being granted to the Health and Wellbeing or its mutual organisation once established, and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
- (v) delegated authority to the Assistant Director of Property (Interim) to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the property and negotiate the terms of any disposal;

- (vi) authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above and to remove or amend the restrictive covenant and to appraise the Trusts and Charities Committee of the results of the applications and consultation.

SMALL HEATH PARK – LEASE OF SMALL HEATH PARK LODGE

The following report of the Strategic Director of Place was submitted:-

(See Document No. 5)

Nigel Oliver, Birmingham Property Services introduced the report highlighted the salient points.

It was -

915

RESOLVED:-

The Trusts and Charities Committee –

- (i) noted that the Small Heath Park Lodge has been unoccupied for many years and is in need of substantial repair before it could be brought into use but that there is demand for it to be made available for community purposes by parties who might secure such funds;
- (a) noted that any release of land or property on trust land would be subject to formal marketing and a tenant selection process and any occupation would need to be regularised by a formal lease, but before the grant could be made new powers would need to be available to the Trust;
- (b) noted further that, subject to appropriate valuation advice, the expectation is that the capital requirement to bring the premises back into use will likely result in the grant of a lease of a peppercorn rent only;
- (ii) approved that applications be made to the Charity Commission to obtain either an Order or Scheme for new powers for the better management of the trust assets including powers of disposal;
- (iii) approved, if necessary the making of any applications including a Deed of Release from the giftor's representatives as landlord seeking to remove or amend the restrictive covenant limiting the use of the premises;
- (iv) authorised, subject to appropriate marketing and valuation advice, the disposal by way of an underlease of up to thirty five (35) years from an early date to be agreed, of the premises formerly allocated to the Lodge and gardens and that the recommendation of the Trusts and Charities

Trusts and Charities Committee – 19 July 2017

Committee be advanced to the next available meeting of the Council as Trustees for approval;

- (v) delegated authority to the Assistant Director of Property (Interim) to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 and negotiate the terms of any disposal;
- (vi) authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the above applications to give effect to the recommendations and to appraise the Trusts and Charities Committee of the results of the applications and consultation.

CROPWOOD ESTATE – HUNTERS HILL TECHNICAL COLLEGE USE OF LAND

The following report of the Strategic Director of Property was submitted:-

(See Document No. 6)

Nigel Oliver, Birmingham Property Services introduced the report and responded appropriately to comments made.

Following advice from the Committee Lawyer the Chairman requested that further information be forwarded to Members of this Committee on the proposals for the remaining land that is to be advertised as available to let and marketed generally for agricultural use.

It was -

916

RESOLVED:-

The Trusts and Charities Committee –

- (a) noted that parcels A, B C and D as shown in Appendix 1 attached to the report are vacant and available to let;
- (b) noted that the College seeks additional land to enhance the curriculum in terms of farm studies preferring use of parcels C and D;
- (c) noted that the College has requested that the land be let to them at a peppercorn rent (at less than best value).

The Trusts and Charities Committee recommends that –

- (i) the land identified as parcels C and D as shown in Appendix 1 attached to the report be let to the College on terms to be agreed;

Trusts and Charities Committee – 19 July 2017

- (ii) that the recommendations of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
 - (iii) that approval be given to negotiation and settlement of the terms of any disposal being delegated to the Director of Property to work with external agents to secure appropriate valuation advice to comply with requirements of the Charities Act 2011;
 - (iv) authorised the City Solicitor to negotiate, seal, execute and complete all legal documentation to give effect to the above.
-

CROPWOOD ESTATE – ROSEMARY COTTAGE PARTIAL RELEASE OF RESTRICTIVE COVENANT

- 917 Following legal advice the Chairman agreed to consider this item under the private session of the meeting.
-

REVENUE OUTTURN 2016/17

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

(See Document No. 8)

Alison Jarrett, Assistant Director of Finance, introduced the report and responded appropriately to comments made by Members.

It was -

- 918 **RESOLVED:-**

The Trusts and Charities Committee –

- (i) noted the Trusts and Charities end of year balances for the financial year ending 31 March 2017;
 - (ii) noted the draft accounts appended to the report and that each Trust or Charity's final accounts, audited where applicable, will be presented to a future Trust and Charities Committee meeting;
 - (iii) approved the independently examined accounts of the Harriet Louisa London Trust 2015-16.
-

OTHER URGENT BUSINESS

- 919 No items of Other Urgent Business were raised.
-

AUTHORITY TO CHAIRMAN AND OFFICERS

920

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

921

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



c/o 54 Ramsden Close
Birmingham B29 4JX

Chairman
Trusts and Charities Committee
Birmingham City Council
Victoria Square
Birmingham
B1 1BB

6 September 2017

Dear Councillor Rehman

The Cadbury Barn, Manor Farm Park, Northfield

You will have learnt about the destruction of the Cadbury Barn by arsonists on 31 July 2017. This was devastating news for local residents and employees of the City who valued the building and what it represented. Your Committee has been supportive of the restoration of the Barn and wider development of Manor Farm Park and I would like to let you know of the latest developments.

The Stakeholder Group, comprising members from Birmingham City Council, Friends of Manor Farm Park, Birmingham Conservation Trust, Bournville Village Trust, Birmingham and the Black Country Wildlife Trust, The Society of Friends, and others, met shortly after the fire to discuss the way forward. There was unanimous agreement to pursue the development of the site, but that in the circumstances a slightly different approach was needed, as there is now little prospect of restoring the Barn. However, we consider it is important to recognise and preserve in some way the legacy of the Cadbury Barn and the work of the Cadbury family to improve the lives of working people in the City.

We plan to consult on potential uses for the site and park with a view to creating a sustainable development for the benefit of the community. We have not had time to put together a detailed plan; however, we have been talking with Officers of the City Council and other stakeholders, including Birmingham Conservation Trust and there is broad agreement on the way forward. I attach a briefing note for you and members of the Committee for consideration at the Trusts and Charities Committee on 20 September 2017.

Representatives of Friends of Manor Farm Park will be at the meeting and will be happy to answer any questions Members have about the revised approach. I hope that we can obtain the continuing support of the Trustees for the revised approach that the Barn Stakeholder Group plans to take.

Yours sincerely

Lesley Pattenson
Chair of the Cadbury Barn Stakeholder Group

barn.chair@friendsofmanorfarmpark.org.uk

Update on the Cadbury Barn in Manor Farm Park, Northfield – September 2017

**For the Trusts and Charities Committee 20th September 2017
(10.30am Council House Committee Room 3 and 4)**

Outline

Previously, Trustees of the [George Cadbury for Park Trust] have supported the restoration of the Cadbury Barn and associated outbuildings for their incorporation into a whole park approach; the work would have been carried out by some form of charitable organisation. Recent events, principally the destruction of the Barn by arsonists, have resulted in the plans being fundamentally revised but the members of the Stakeholder Group are committed to continuing with the project. This paper is to brief Trustees on the revised plans, to seek support for some matters and provide information on the revised approach.

The Trustees are invited to

1. Support the Stakeholders Group's declared intention to continue with the project, albeit with revisions which are yet to be determined;
2. Recommend that Birmingham City Council (BCC) removes and stores key historic elements of the Barn's structure for conservation in some form before they deteriorate and also takes steps to document and photograph it professionally;
3. Agrees in principle to the use of surplus insurance monies after site clearance, for funding elements of a feasibility study with matched funds from other grant aid funders and charities;
4. Note that the Stakeholder Group aims to create some form of charitable organisation, probably a Charitable Incorporated Organisation (CIO). In which case the Trustees will be invited to nominate members to its governing body;
5. Note the importance to establish a community need for and potential uses of a recreated site before committing to a development. The project will produce a sustainable business plan to ensure the site is operated in a viable manner once the project is completed and
6. Note that in the future the arrangement may require some form of transfer of assets from the BCC to the CIO, perhaps with a long-term lease as a viable option.

Recent development of the Cadbury Barn Project

Built in 1895, the Cadbury Barn was used to host parties for families from the inner city. The site comprised the timber framed Cadbury Barn, another two storey Victorian barn, some outbuildings, a three bed-roomed detached house, a garden and car parking. A stakeholder group intended to develop the whole site, including the park, to celebrate its historic, cultural and natural heritages by creating a large hall for community use, a café, workspaces and an exhibition area. The site would have been sustainable both from an environmental and financial point of view. The Trustees have previously supported this approach.

However, arsonists destroyed the Barn on 31 July 2017; some parts of the building could be preserved to conserve and illustrate its architecture and construction, but otherwise the building is beyond restoration. Despite this tragedy the stakeholders wish to continue with the development of some form of a community building at this location to continue the legacy of the Cadbury Barn. This will mean repeating consultations similar to those done in 2015; revising the Options Appraisal and carrying out a feasibility study to develop new plans to include the whole park. It would be appreciated if the Trustees give their on-going support for this revised approach.

Proposed revised approach

The stakeholders plan to preserve some physical elements of the Barn and continue the legacy of the Cadbury Barn by developing the park and the buildings in a style sympathetic to the original. Birmingham Conservation Trust (BCT) has asked the BCC to remove and store elements of the Barn as a matter of urgency to prevent their further deterioration.

We still plan to establish some form of charitable organisation, perhaps a Charitable Incorporated Organisation (CIO) with representatives from the stakeholders, (Bournville Village Trust (BVT), Friends of Manor Farm Park, Birmingham Conservation Trust, Birmingham and the Black Country Wildlife Trust, The Society of Friends and Birmingham City Council (the George Cadbury for Park Trust) and others as appropriate.

This new organisation will carry out further consultation to establish a community need for the development as part of a feasibility study, building on the existing Options Appraisal done in 2015, to establish potential and preferred uses for the site. A revised approach, rather than a straightforward replacement of the Barn, may give more other options than were previously available but which may create a superior development and outcome for the trust, for example one that is a greener more sustainable and achievable development.

The CIO will also be a vehicle for seeking funds for that study with the aim of submitting a bid for development grants from funding bodies, including the Big Lottery, Heritage Lottery Fund and other charities. Different funds will apply to elements of the development, for example the park, building premises and preservation of aspects of the heritage in Manor Farm Park and the former Cadbury Barn. Some funds from the insurance monies payable to the Council as a result of the destruction of the Barn could be used to fund some elements of the feasibility study on a matched funding basis.

The study will include drawing up designs for the site and provide a basis to carry out detailed plans required in the building phase. Work on the project could be split into phases; the park, buildings and the legacy; each with different funding and time scales. Again, this will be considered in the feasibility study.

Operation and running of the project, once completed, will depend on its final use and physical layout. Seeking expressions of interest from parties to take part in running of the site will be a key element of the Feasibility Study; without a strong and suitable business plan the project will not be sustainable. We envisage that the CIO could be the leaseholder of the site and may engage third parties to run some of its elements. Ideally, these third parties will be social enterprises of some form, overseen by the CIO.

We consider that all parties, including BCC should take part in the development and running of the project. The exact nature of this arrangement remains to be determined but we are aware of the responsibilities of the (George Cadbury for Park Trust) Trustees and the need to incorporate these into the arrangements from the outset.

To this end the BCC and the Trustees will likely retain ownership of the site but for purposes of obtaining funding and running the site some form of legal arrangement such as a Community Asset Transfer from the GCT to the CIO, perhaps with a long-term lease as a viable option may be required. This will have to be examined in more detail as part of the Feasibility study.

Next steps

At this stage the stakeholders are working out how best to organise the project. BCT has, this week, written to BCC to express its support in principle for our approach (letter

attached). We anticipate that other stakeholders will also be seeking formal approval of the approach.

We will carry out a preliminary consultation with users and the community, which we hope to have completed by the end of 2017. Similarly, we plan to speak with other community organisations about uses of the park and begin to talk with potential partners for project. We are working to establish the charitable organisation and appoint members to its governing board as soon as possible.

We will start to seek funding for the feasibility study and carry out preliminary work on design elements for the buildings and the site. We hope to finish the study during 2018 with a view to submitting a stage 1 application for development funds at that time.

John Stewart
Friends of Manor Farm Park
5 September 2017

From: **John Copping** <copping.jl@gmail.com>

Date: 5 September 2017 at 17:28

Subject: Fwd: Cadbury Barn meeting urgent action

To: Susan Amey BCC <sue.amey@birmingham.gov.uk>, "Nigel Oliver, BCC"

<Nigel.G.Oliver@birmingham.gov.uk>, Richard Garside <r.garside@broadwaymalyan.com>

Dear Sue and Nigel

Following the destruction of the Barn last month, John Stewart (Friends of Manor Farm Park/ FOMFP) recently hosted a strategic rethink session. At that meeting, I agreed to write to you (BCC) as Birmingham Conservation Trust (BCT), but reflecting the views of the wider partnership.

Firstly, there is a pressing need which requires some early action. The remains of the Barn need to be secured and protected from the weather preferably on site as soon as possible. All substantially undamaged parts of the barn should be retained and stored for some form of constructive use to preserve its heritage, probably as part of the interpretation of the original building, or supporting the story of the arson attack. In addition we encourage that the remains are documented and photographed professionally so that such details as the steelwork, fittings and wooden moulding sections are known. Richard Garside (Birmingham Conservation Trust Heritage Architect) advises that this approach would be expected by Heritage England had the building been listed. If BCC feels the need for a professional, we will find one. Let us know if we can help further.

The move to applying under Parks for People, the barn fire and resulting insurance claim, and the new option of creating facilities specifically planned to support wider use of the park, all emphasize the role of BCC as 'proprietor' of the project. They also increase the value of Birmingham and the Black Country Wildlife Trust (BBCWT) to the partnership. BCT will continue to provide its credentials with funders, heritage know-how and the ability to resource expertise as needed - each less easy for FOMFP. We agreed the need to formulate an outline project plan.

The route may now be different, but the overall objective needs still to have formed a viable and sustainable business downstream of the sums invested in the project. It is accepted that the proprietor cannot be BCT, nor is it realistic to consider BBCWT, FOMFP, Bournville Village Trust (BVT) or, at least at this stage, some yet unidentified local enterprise. The body likely to become the residual operator would appear the most attractive applicant from the viewpoint of any grant provider, providing it is not disqualified by its status. BCC itself is probably less than ideal for the last reason, and maybe others.

Consequently we need to create an appropriate governance structure which shows that BCC has a strong role and commitment in the project. We considered therefore a social enterprise should be established, in whatever suitable form, on which the formal partners BCC, FOMFP, BCT, BBCWT - maybe BVT and others as appropriate, e.g. a local body or two - are each represented by one or more nominees. This could helpfully map on to the City's trusteeship arrangements. It could also ease the processes for later approvals involving BCC. If there were absolute need, means could no doubt be found for giving BCC effective control. Otherwise its involvement as an equal partner would permit BCT to exercise a role as interface with funders and other authorities as the project progresses.

I should appreciate your thoughts to share with my colleagues at our BCT trustees' meeting on Monday 18th September and would be happy to refine these suggestions if you so wish. I propose to share this message with the wider team.

Kind regards

John Copping and Richard Garside, for Birmingham Conservation Trust

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Service Director - Sports, Events, Open Spaces and Well-being
Date of Decision:	20th September 2017
SUBJECT:	CHAMBERLAIN GARDENS PARK LEGACY PROJECT PHASE 1
Wards affected:	Ladywood

1. Purpose of report:

To seek approval to reinstate the Trust land formerly occupied by Beale House and integrate this into the wider park to be improved under proposals set out in the Chamberlain Gardens Landscape Masterplan Proposals appended.

2. Decisions recommended:

That the Committee:

- 2.1 notes the content of the Chamberlain Gardens Historic Landscape Report
- 2.2 notes the proposals to improve the layout and facilities provided at Chamberlain Gardens Park as set out in the Landscape Masterplan Proposals
- 2.3 approves the implementation of the Phase 1 works to reinstate and integrate the Trust land formerly occupied by Beale House into the park requirements and undertake other works on the Trust land
- 2.4 authorises the City Solicitor to negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.

Lead Contact Officers:	Bob Churn Landscape Practice Group
Telephone No: E-mail address:	0121 303 3536 Robert.churn@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Internal

The Park is managed on a day to day basis by Place Directorate and officers in Birmingham City Council Parks Service fully support the proposals developed by the Landscape Practice Group. Ward Members have been consulted and fully support the proposals which have developed over some years in response to and as a consequence of the adjoining Housing development, now complete.

External

Public consultation regarding the proposals for the trust land is not required but may be undertaken. The proposals for the park were shared with the Friends of the Park and Councillor Hartley at a meeting on 3rd November 2016, where it was agreed that the Historic Landscape Report should be commissioned and a master plan for the Park incorporating the ideas drawn from the public consultation since November 2014 be developed. The proposals have now been accepted by stakeholders.

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

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

The Chamberlain Gardens Trust holds the freehold interest of part of the Park 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.

The terms of the Trust 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. In addition, the original Conveyance dated the 16th May 1922, contains a positive covenant with the transferor that the City would adequately fence the area and provide all necessary planting of trees and shrubs before the area was to be opened to the public for the purposes of the park.

The Trust is not a registered charity nor does the governing document provide any direct powers for the future management of the trust land. 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.

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. There are no assets to this trust except the land held for use as a public park. Principal revenue costs for the trust Estate are covered by the Birmingham City Council Parks Service. The proposed reinstatement works will be paid for by Birmingham City Council from receipts from the disposal of other land for residential development. The demolition of Beale House removed an encroachment onto part of the Trust land and enables its reinstatement as part of the wider Park once again.

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

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

4.	Relevant background/chronology of key events:
4.1	Chamberlain Gardens Park was formed by a gift of land of 1.922 hectares on the corner of Monument Road and Ladypool Road from the Hon. Mrs Rachel Anstruther Gough Calthorpe on 16 th May 1922, but much further expanded by the purchase of land from Brigadier Richard H A Gough Calthorpe on 9 th November 1956 and the demolition of the Victorian houses lining the Monument Road and Beaufort Road to form a municipal housing estate. Only the 1922 acquisition created land held in trust.
4.2	During that 1960's construction part of the residential block known as Beale House occupied without any known express consent part of the trust land. Officers in Birmingham City Council Place (Housing Development) committed to correcting this as part of their wider improvement plan for the area by reinstating the land as soon as the residential units could be relocated and Beale House demolished. To assist the redevelopment in the area that part of trust land formerly used by Beale House was agreed, at Committee on 4 th March 2015, to be used as a contractor's car park for a fee of £7,400. The fee has been paid in full.
4.3	The general area has undergone several stages of improvement over recent years. Following a 'planning for real' style consultation on 2nd November 2013 and subsequent public consultation, a masterplan for the improvement of the park was developed. In June 2016 a historic landscape report was commissioned by the Landscape Practice Group on behalf of the Friends of Chamberlain Gardens Park to investigate the heritage of the park in preparation for developing the legacy project to create a self-contained neighbourhood park that reflects Ladywood's heritage.
4.4	This report was completed on 20 th July 2017 and resources are available to develop and deliver an initial phase of works in accordance with the costed masterplan. These works will include realignment of footpaths to link the Monument Road development with the park, the restoration of the pagoda and the laying out of a community orchard on the land formerly occupied by Beale House. Funding in the sum of £164,246 has been assembled from various sources including a contribution from the Monument Road BMHT housing development capital budget, the Monument Road housing capital receipt and a rental charge to Carillion plc for the use of part of Chamberlain Gardens Park as a compound site for the Ladywood Towers Refurbishment Project. The improvement works will be implemented throughout the park, including land held in trust. (See Appendix 2). It is intended that the works will commence on site in January 2018 and be completed by the end of April 2018.
4.4	<p>Aims and Objectives of the Trust</p> <p>Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the objects of the trust. The terms of the Trust are that the land is to be 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. In addition, the original conveyance dated the 16th May 1922, contains a covenant that the City would adequately fence the area and provide all necessary planting of trees and shrubs before the area was to be opened to the public for the purposes of the park.</p>
4.5	<p>Trustee Powers</p> <p>A trust's constitution is set out within the executed Trust Deed for each property which for Chamberlain Gardens is the acquisition deed dated 16th May 1922. There has been no subsequent amendment by any scheme agreed with the Charity Commission.</p>
4.6	<p>Trust Finances</p> <p>The trust is not required to fund the proposed works. The land is open parkland with no other assets nor revenue stream. The fee received as income to the trust for the car park hire at Beale House is a one-off opportunity only.</p>
5.	<p>Evaluation of alternative option:</p> <p>To do nothing is not an option. The trustees consent to works on the Trust land does not have to be given in this instance but the encroachment of Beale House on part of the Trust land is required to be remedied and its reinstatement to public park is essential. It is considered appropriate to allow the proposed development to proceed.</p>

6. Reasons for Decision(s):

6.1 To ensure future compliance with the Trust Objects and to secure the land is fully available for public park users.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Deed of Conveyance 16th May 1922
2. Report under Chairman's Action dated 23rd January 2015 and as reported to Committee on 4th March 2015

List of Appendices accompanying this Report :

1. Historic Landscape Report March 2017
2. Chamberlain Gardens Landscape Masterplan and Phase 1 Boundary
3. Plan showing extent of Trust land in Chamberlain Gardens

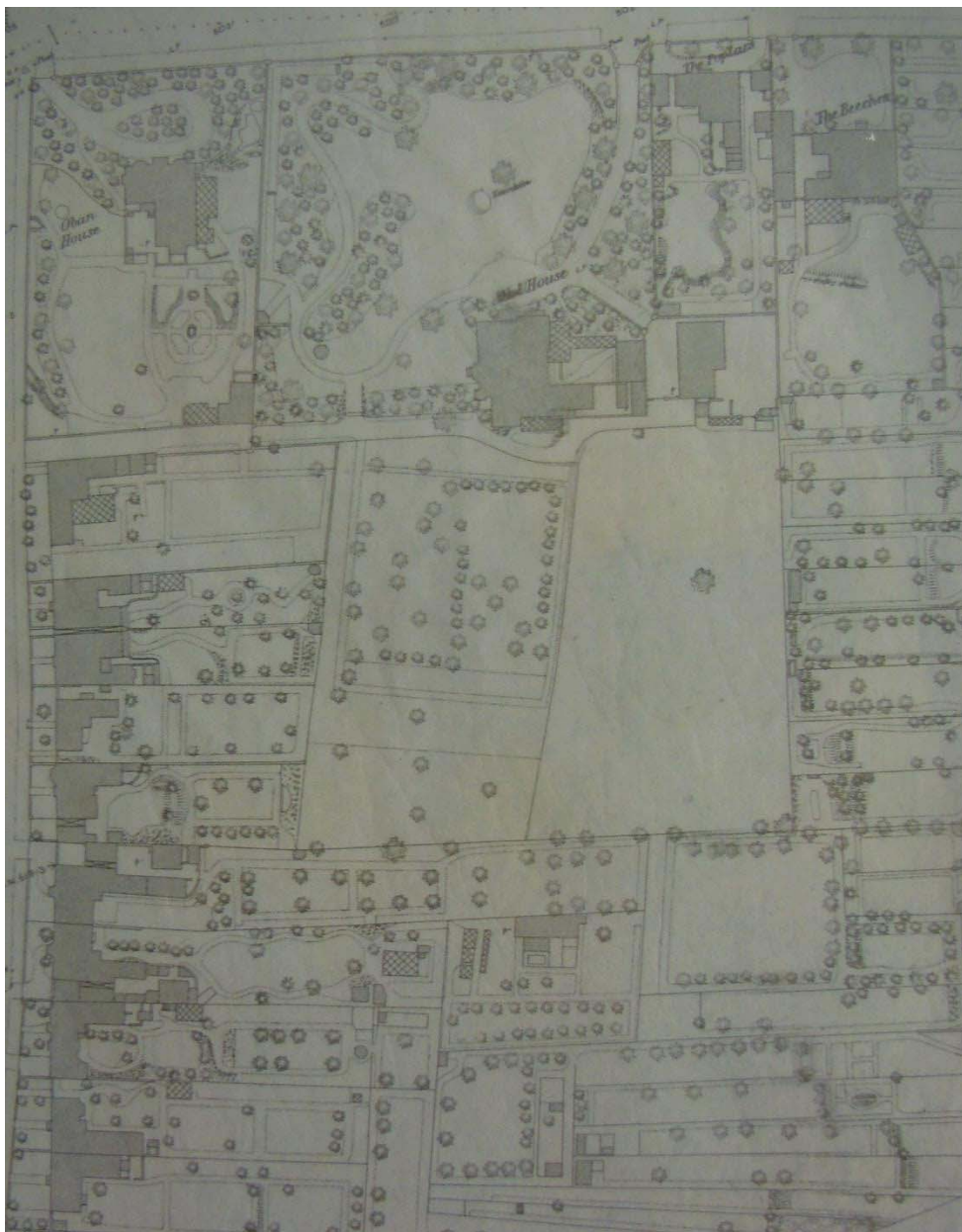
Chamberlain gardens

Historic landscape report

by

Chris Burnett Associates

June 2016



APPENDIX 1
FINAL REPORT
Illustrations



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for

BIRMINGHAM CITY COUNCIL

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CONTENTS

Figures and Maps

Map 1	1828
Map 2	1880 context
Map 3	1880
Map 4	1910
Map 5	1940
Map 6	1950s
Map 7	1960s
Map 8	1999 Aerial photo
Map 9	2015
Map 10	Historic overlay 1880 / 2015

Photos and Illustrations

All courtesy of Norman Bartlam

A S Pettigue image
Chamberlain Gardens 1976
Chamberlain Gardens December 1978
Chamberlain Gardens 2004
Chamberlain Gardens June 2011
The opening of the outdoor gym at Chamberlain Gardens May 2014

St Marks Church Womens Fellowship at Chamberlain Gardens 1924



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1828 Map

Page 28 of 98



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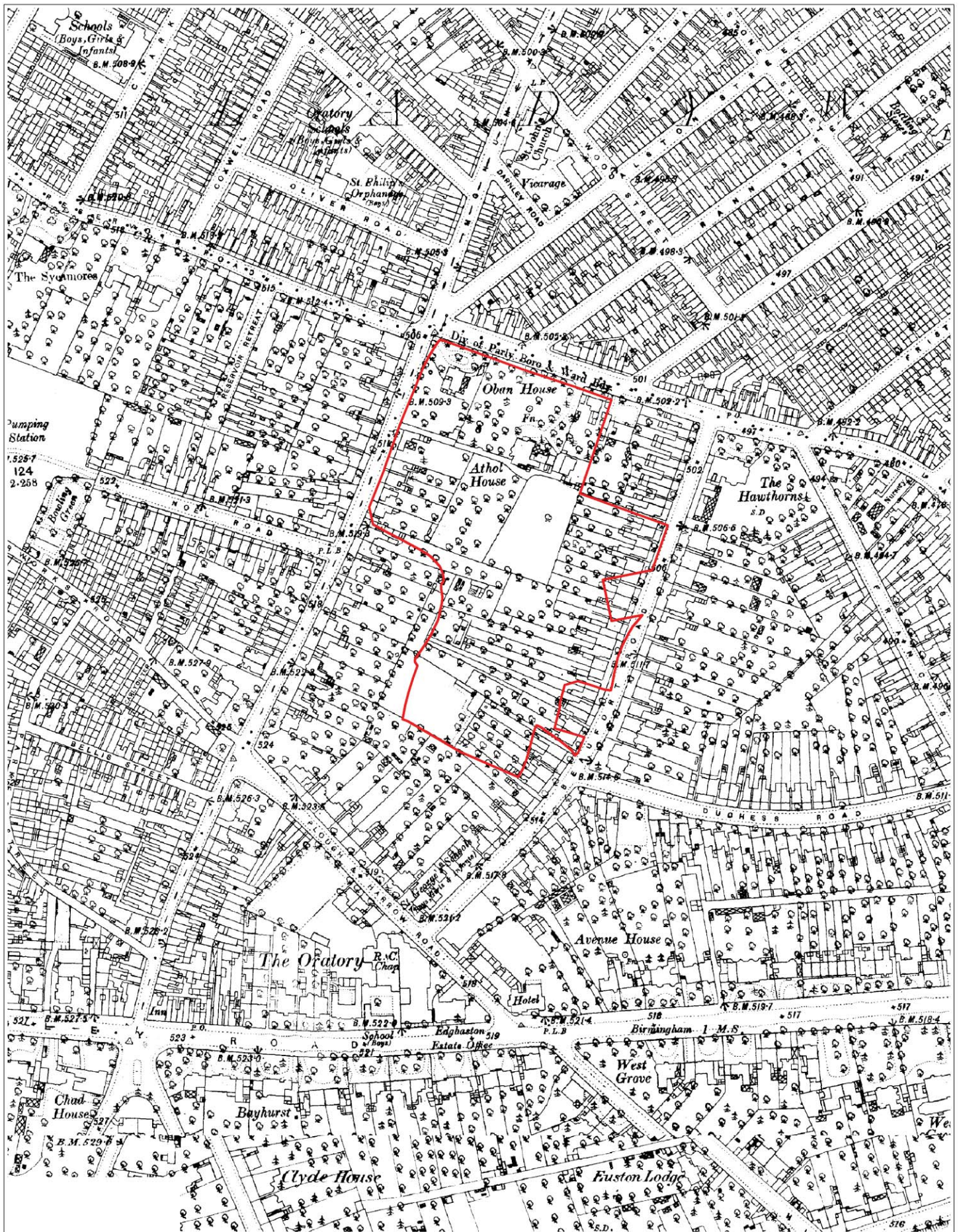
Client **Birmingham City Council**

Project **Chamberlain Gardens
Historic Landscape Study**

Scale **1:1,250 @ A3**

Date **01/04/16** Drawn **JHD** Checked **CB**





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1880 Map



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01/04/16	JHD	CB	
Dwg No.	Revision		
CGBHL16.03			





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1888 1st Edition Map

CHRIS
BURNETT
ASSOCIATES

195

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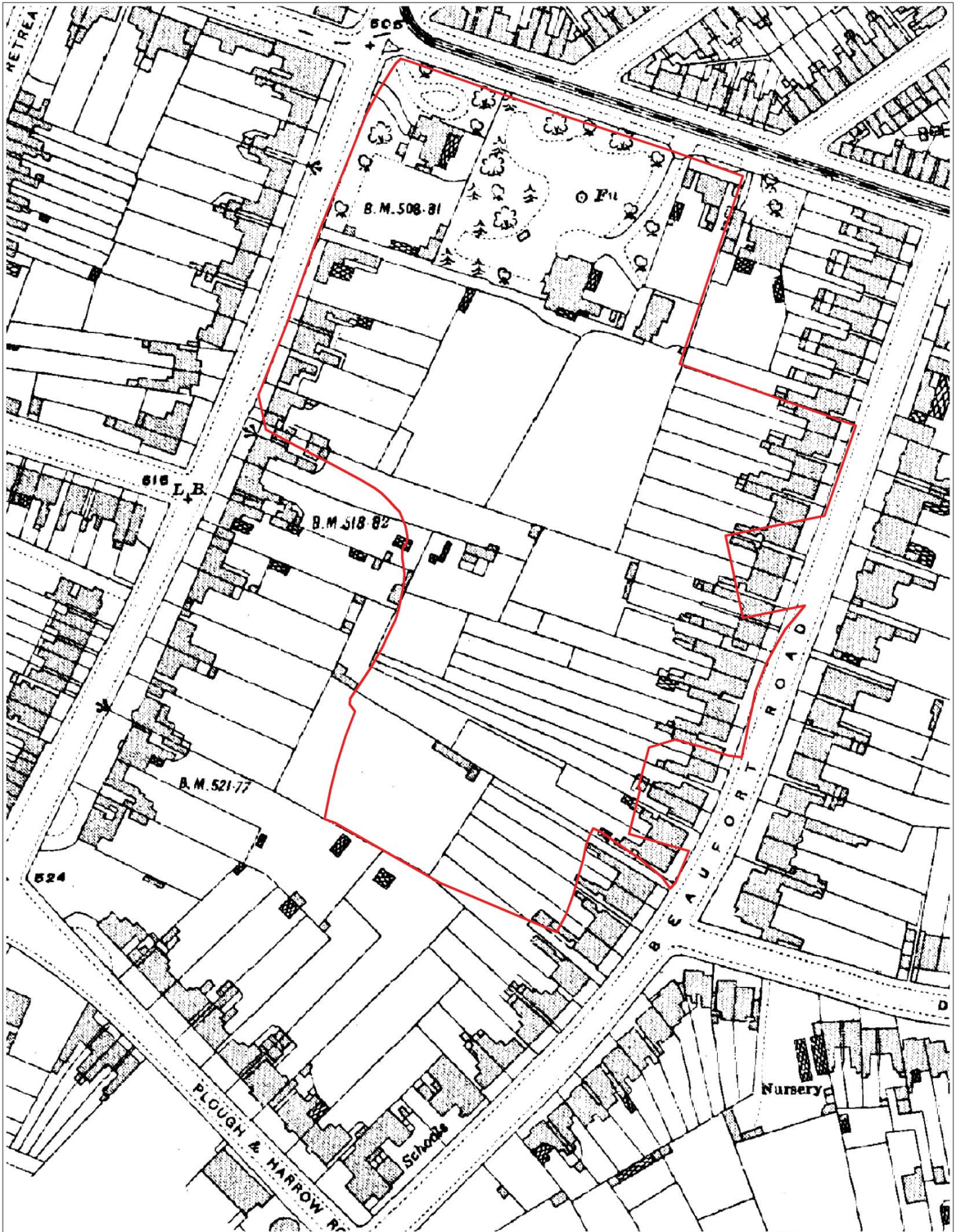
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1910 Map



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Client **Birmingham City Council**

Project **Chamberlain Gardens
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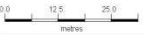


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Dwg No. **CGBHLS16.05** Revision





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1950s Map



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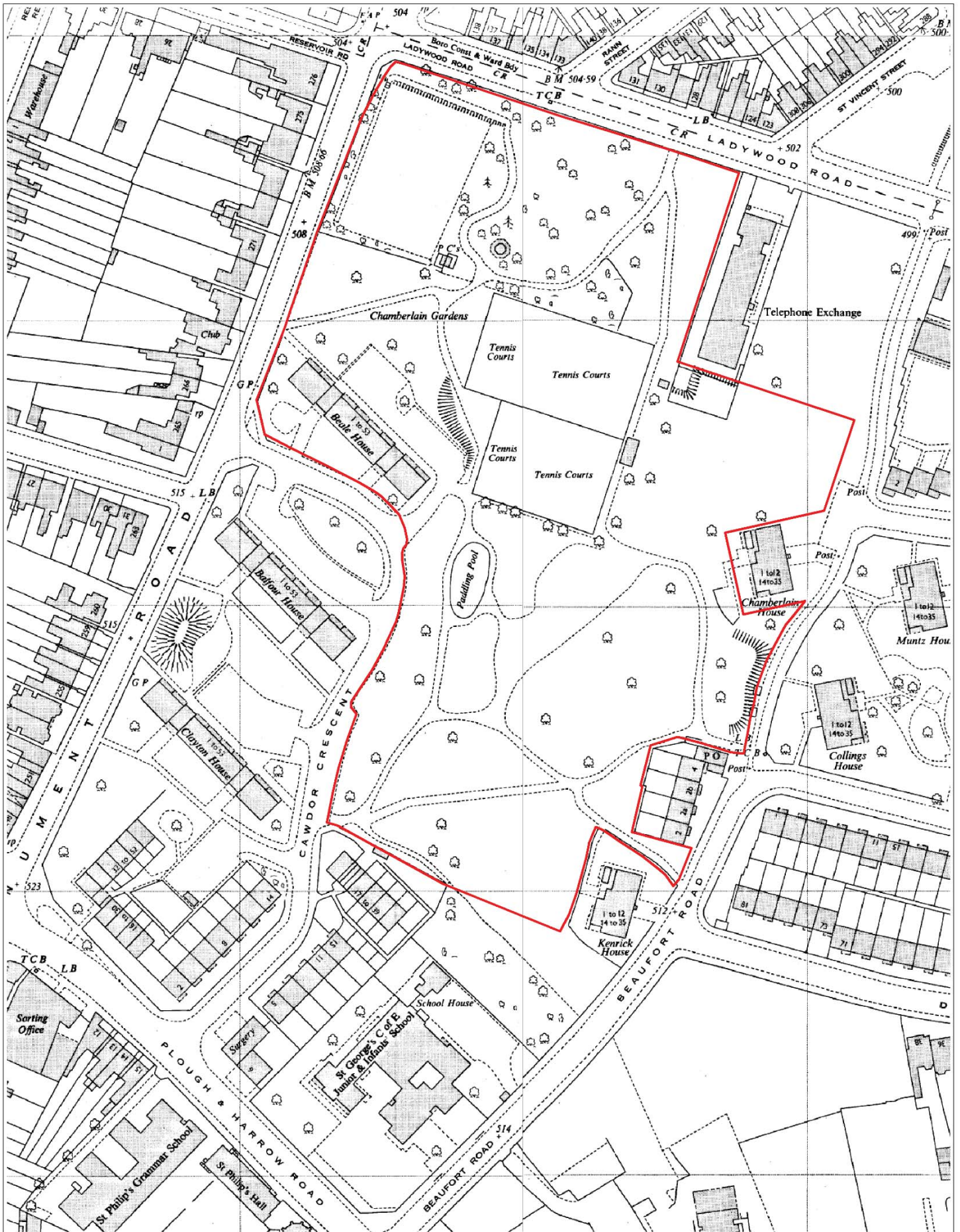
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1960s Map



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2012 Aerial Photo



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Historic Environment



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Client **Birmingham City Council**

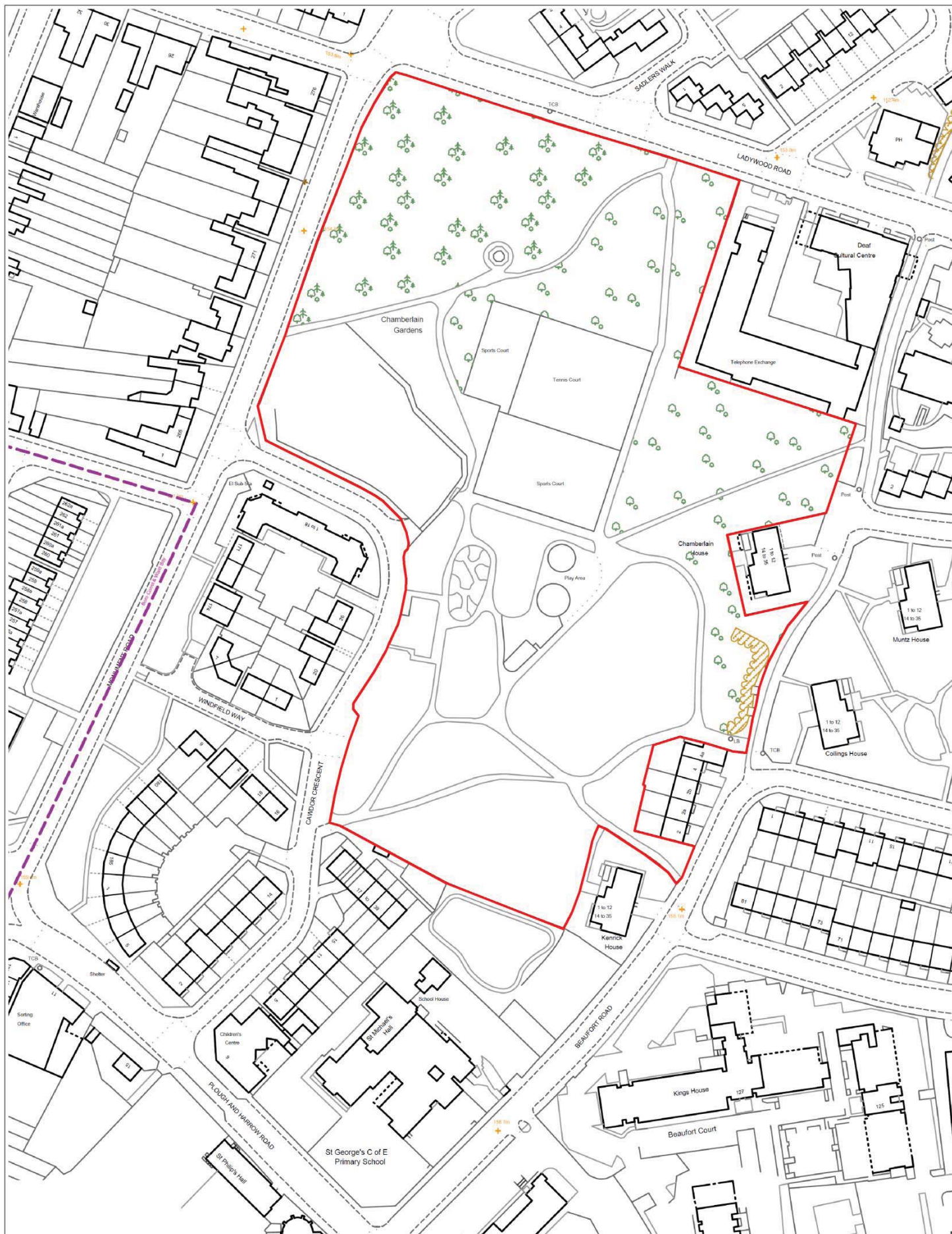
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2015 Basemap



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Date **01/04/16**

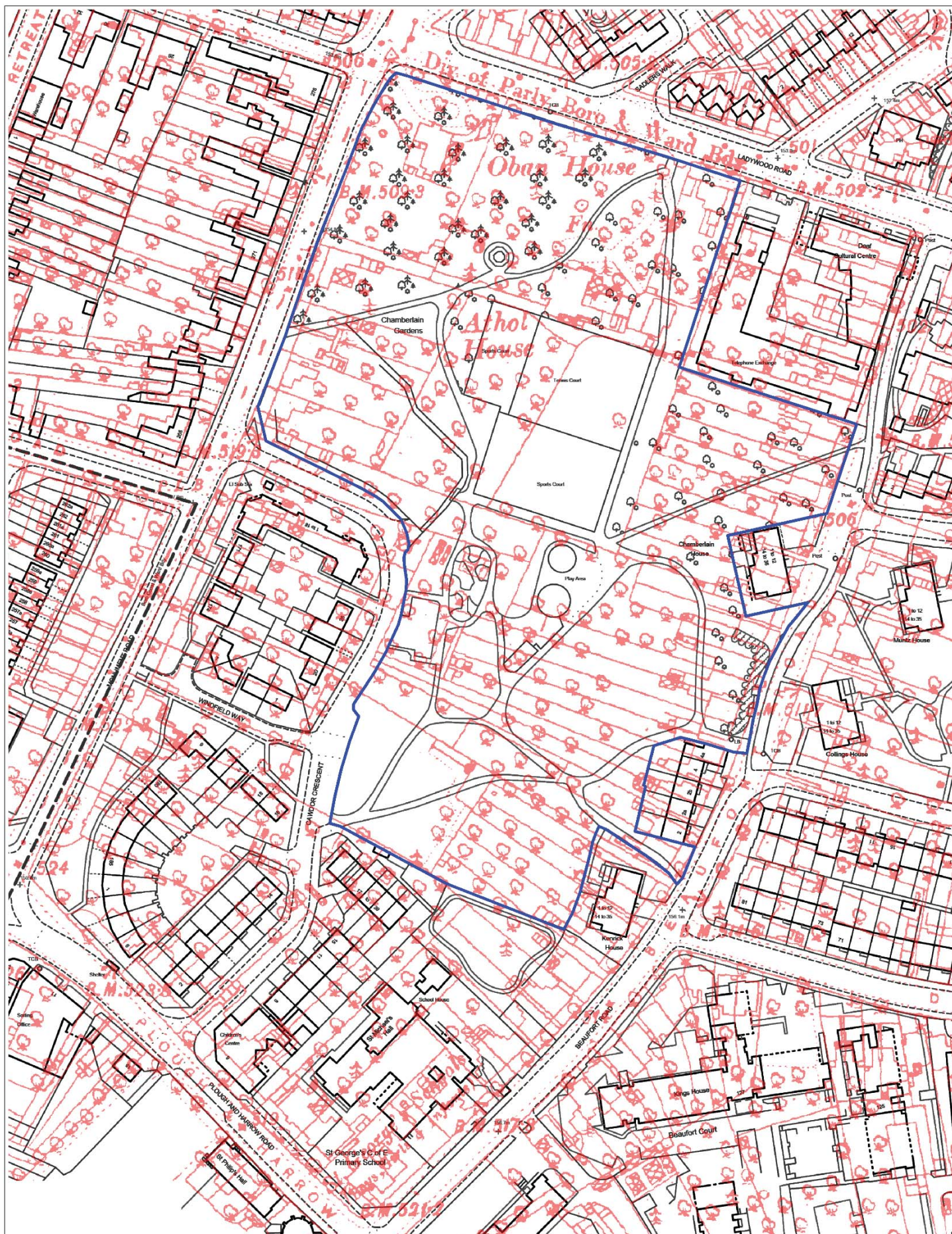
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1880 Map overlaid on 2015 Map



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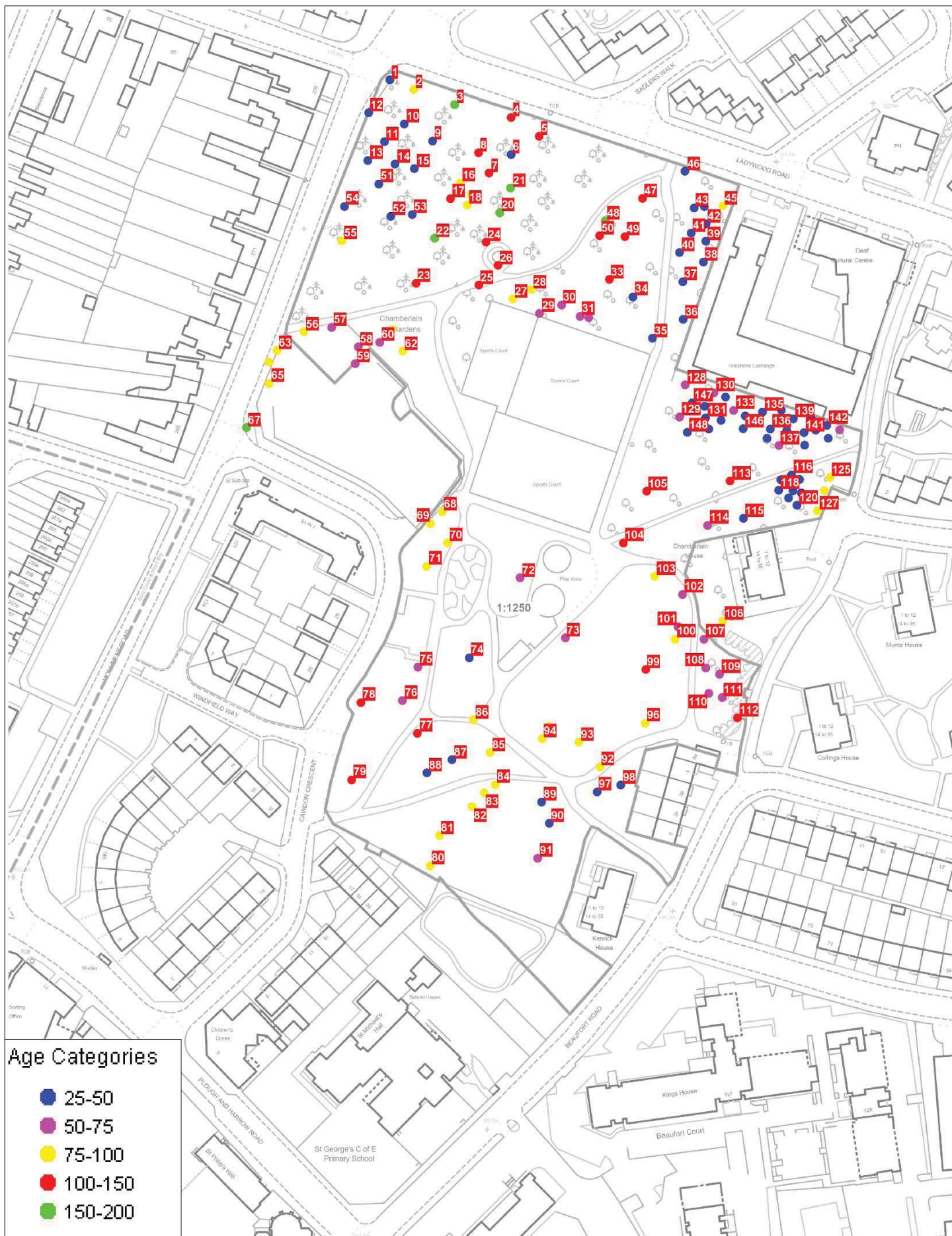
Tree Survey



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Age Categories

- 25-50
- 50-75
- 75-100
- 100-150
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Tree Survey



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Project **Chamberlain Gardens
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Date **01/04/16**

Dwg No. **CGBHLS16.02**

Drawn **JHD**

Checked **CB**

Revision





A no. 33 tram on Ladywood Road. The road off to the left is St Vincent Street. Anthony Spettigue recalls: 'My grandmother used to get her pension from the post office, where the pillar box is located. She would rub the crispy ten shilling note when she got back home!'

1



2

The private gardens that became the park are on the right

'Parky's Hut.' A S Pettigue, courtesy of Norman Bartlam



3



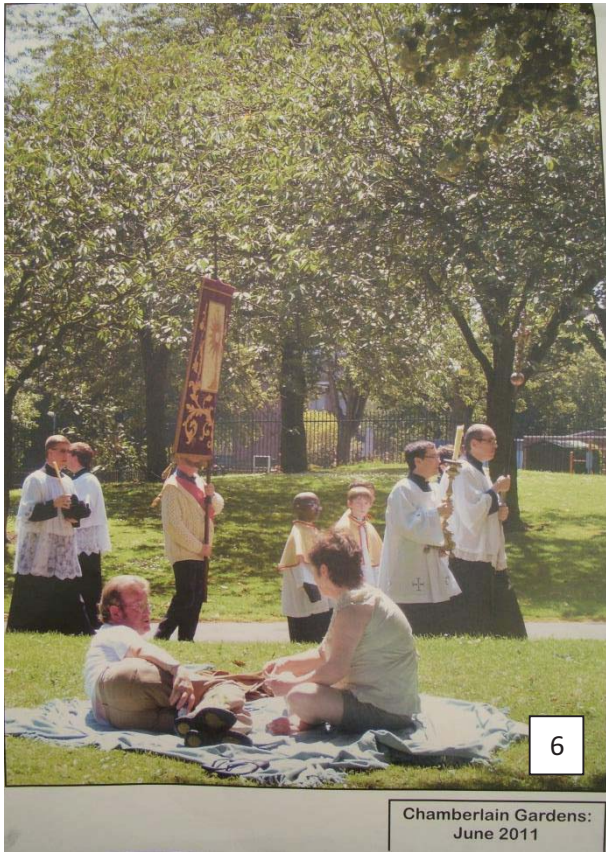
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Paddling pool. Unknown, courtesy of Norman Bartlam

The park showing the blocks of flats Birmingham City Council, courtesy of Norman Bartlam



5

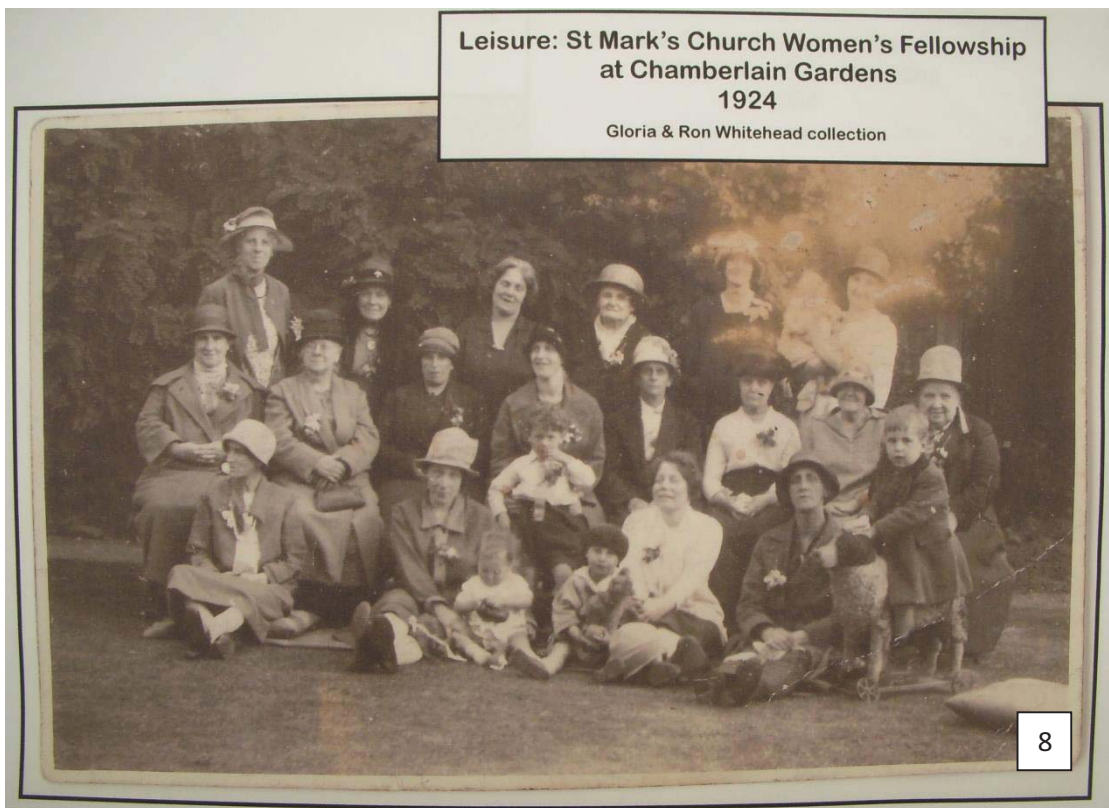


6

Chamberlain Gardens:
June 2011



7



Leisure: St Mark's Church Women's Fellowship
at Chamberlain Gardens
1924

Gloria & Ron Whitehead collection

8

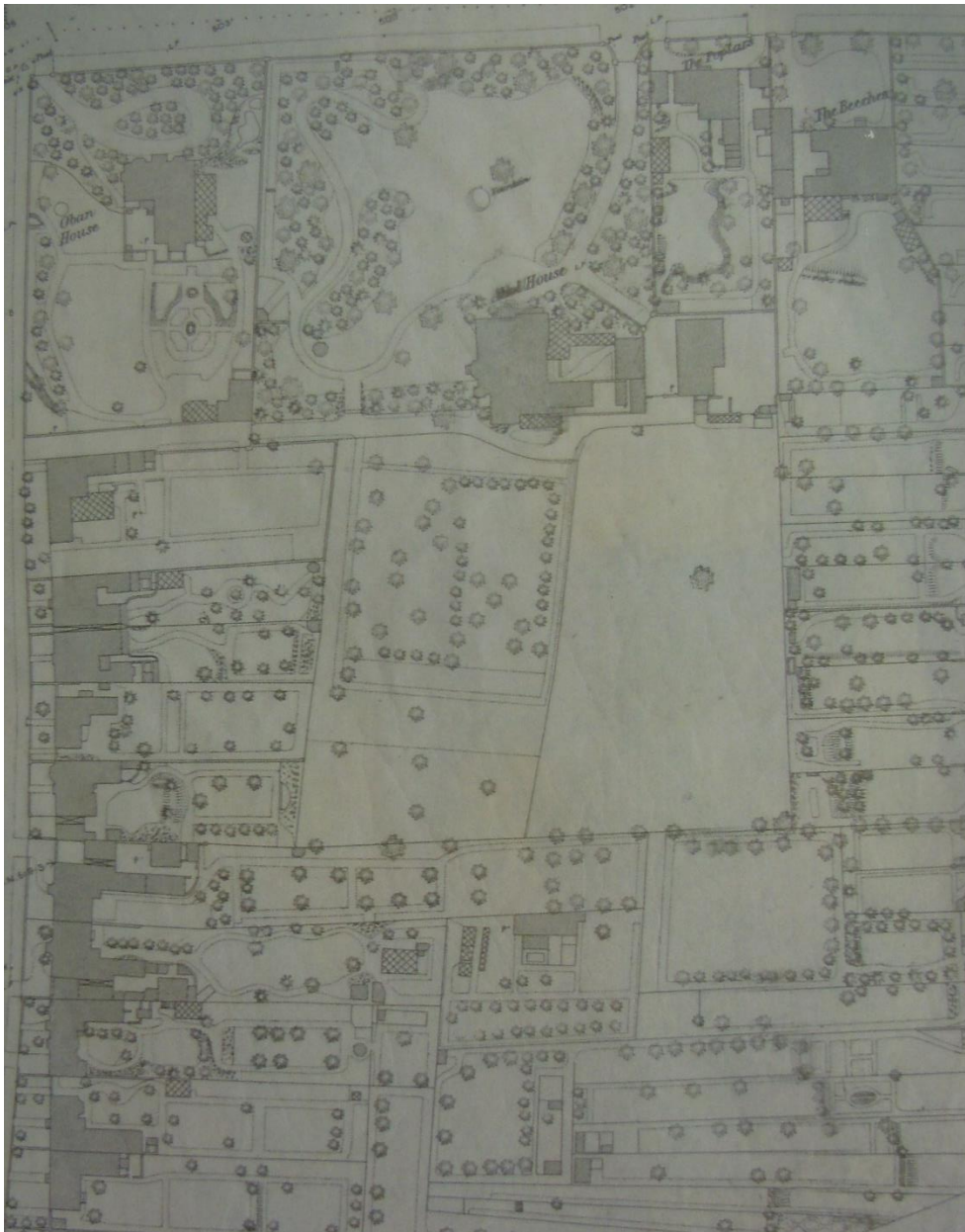
Chamberlain Gardens

Historic landscape report

by

Chris Burnett Associates

March 2017



FINAL REPORT



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for

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CONTENTS

1. **Introduction**
2. **Chronology**
3. **Commentary on Historic Maps**
- 4 **Tree survey and condition**
5. **Outline proposals**
6. **Themes for interpretation**
7. **Areas for further study**

Appendix 1: Figures and Maps (reproduced as a separate A3 Appendix)

1.0 Introduction

Introduction

- 1.1 This report has been prepared at the request of Birmingham City Council, (BCC) and the Friends of Chamberlain Gardens, to provide a foundation for a Landscape Masterplan for Chamberlain Gardens in the Ladywood District of Birmingham.
- 1.2 As with all public spaces understanding the history of its development over time can help shape and influence and interpret proposals for its future management. This report, which in effect is a summary document aimed at kick starting the process of rejuvenation and renewal, aims to provide an understanding of the key events that have made Chamberlain Gardens what it is today, a well-used and attractive local public open space.
- 1.3 In so doing we are indebted to the support and information provided by the Friends of Chamberlain Gardens notably Norman Bartlam, a local historian, who has provided us with a range of historic material.
- 1.4 The report is divided into a number of sections commencing with a historic chronology, illustrated by newspaper articles of the times, assessing the distribution of trees which are so important as they are often a physical legacy of previous stages in a site's development over time and then a section on ideas and themes which can be incorporated into a landscape masterplan for the gardens.
- 1.5 The report should be read in conjunction with **Appendix 1** which contains historic and present day maps and photographs.

2.0 Chronology

2.1 Chronology

This section summarises by date key events in the history of the park and its evolution through time. Sources are given at the end of each paragraph in brackets.

- Numbers are the Finding Numbers for The Library of Birmingham Archives and Collections
- OS map, Ordnance Survey maps courtesy of Birmingham City Council.
- Birmingham Archives, Heritage and Photography, from Norman Bartlam.
- 'The Brew' Us Bugle' – the magazine of the Ladywood History Group, from Norman Bartlam.

(NB The Library of Birmingham Archives and Collections only makes material available for private study and our images of their material cannot therefore, unfortunately, be reproduced in this report. However, the Archives said they would welcome contact from The Landscape Practice Group with a view to making material available for interpretative use by BCC, if possible under the terms of the respective archives. Numbers highlighted green are the material considered more engaging and therefore more suitable for use in interpretation.)

c. 1727 Copy of 1718 survey by Humphrey Sparry for Sir Richard Gough Lord of the Manor of Edgbaston. Shows Ladywood Lane and the Roch Poole (later the Reservoir) at the northernmost edge (not annotated in the estate colour of blue-green). Monument Lane runs along the western edge of the fields which become Chamberlain Gardens (in the estate colour of blue-green). (MS 2126/OPS/1)

1787 Plan by John Snape for Sir Henry Gough and Others. Fields west of Monument Lane are owned by the late J Parrott of Rotton Park. Fields 549 Tan pits, 550, 551, 552, 555, 558 and 562 which become Chamberlain Gardens, The Hawthorns, Beaufort Road etc, are owned by Gough because not coloured. (Double-check with reference volume below). (MS 2126/OPS/6 and OPS/77)

1787-94 Reference volume to the above. Includes plans, schedules and totals of land owned by others, not just Sir Henry Gough. For example the Late J Parrot Esquire's land, Rotton Park 11 acres, 3 roods and 2 perches. Volume 599 red morocco binding, gilded edges. (MS 2126/VOL/ 599 and MS 2126/EB/11/3 Estate box '19')

1809 Survey by Josiah Robins. Fields 549, 550, 551, 552, 555, 558, 562 become Chamberlain Gardens, The Hawthorns, Beaufort Road etc. (MS 2126/OPS/16)

1821 Counterpart building lease for 99 years, from Lord Calthorpe to Mrs William Smallwood for 10,511 sq yds, fronting Ladywood Lane; including Athol House and the neighbouring land to the west, later Oban House, and the house to the east. (MS 2126/EEP/222)

1828 Piggot Smith's map shows the majority of the Gardens still as fields. Along Ladywood Road there are 3 villas with formal Georgian gardens, the westernmost is Athol House. The Monument (tower) is shown further south along Monument Road and the house Lady Wood to the east. (Norman Bartlam)

1828 The 'original' counterpart building lease for 99 years, from Lord Calthorpe to RW Winfield, for area that becomes Winfield's house 'The Hawthorns' and Beaufort and Francis Roads south of it. Block plan in margin shows the larger plot of 4 acres 3 roods and 36 perches, part of which becomes The Hawthorns plot; and a smaller plot across Francis Road of 1 rood 3 perches. Signature and seal of Robert Walter Winfield and agent for Calthorpe. (MS 2126/EEP/229)

1829 Gardens at Monument Lane, list of occupiers and plan of houses and plots. Only one house built on east side of Monument Lane, immediately south of Oban House. Oban House plot to north and kitchen garden to east leased by Mr William Smallwood. (MS 2126/OPS/24)

1841-2 Plan of the parish of Edgbaston surveyed by Chas Yates. Oban House, Athol House and the house between them and The Hawthorns shown, plus 5 houses along east side of Monument Lane. Very clear presentation. (MS 2126/OPS/33)

1851 Census records the brass manufacturer R W Winfield ('foreign merchant employing 500 hands') living at The Hawthorns, Ladywood Road, with his wife Lucy, two daughters Julia and Sarah, two visitors, a housekeeper, cook, butler and two housemaids (Census of 1851, Ancestry).

1855 List of income (presumably from land leases) with R W Winfield paying Lord Calthorpe £205 15s 6d, considerably higher than any others on the list e.g. next highest £56 13s 4d. Quantities of land and particulars of [four] leases to be granted by Lord Calthorpe to R W Winfield Esquire. Plan of land swops between R W Winfield and Lord Calthorpe to enable the construction of Beaufort and Duchess Roads (MS2126/EB 1 and 2/1855)

1855 Austin's report as to repairs required at the outbuildings at the Plough and Harrow. List/specification such as 'white washing and colouring pigsty walls', 'the drain in yard wants taking up and relaying and also the back wall in front of the brew house' (MS2126/EB 1 and 2/1855)

1856 Building lease for 99 years with block plan for 5,835 sq yds of land at Beaufort Road for the yearly rent of £33 3s 0d from The Right Honourable Lord Calthorpe to Robert Walter Winfield Esq (became 44-60 Beaufort Road). Signature and seal of Robert Walter Winfield. (MS 2126/EB/15/j/29)

1856-1859 R W Winfield leases other land in Ladywood, not just the plot for his own house The Hawthorns. The land is developed by architects/builders as follows 'Houses built on Mr Winfield's land' by; Mr Napper, 2 no (1856); Edward Bembridge on Beaufort Road, 1 no (1856); Joseph Parkes on Duchess Road, 1 no (1856); Felix Petford on Beaufort Road, 1 no; Joshua Horton on Beaufort Road, 1 no (1856); Joseph Bent on Beaufort Road, 1 no (1856); WF Townson, 1 no; WE Rogers on Beaufort Road, 1 no (1859). List of rooms for each house e.g. Joseph Bent's contained a dining room, drawing room, hall, kitchen, vestibule, scullery, pantry, pantry (china), four bedrooms, dressing room, water closet, and two attics.

(Edgbaston Register of Building Plans MS 2126/VOL/529)

1858 Another building lease with block plan for The Hawthorns, Winfield's own home. 96 years for 6,859 sq yds of land at the junction of Beaufort Road, Ladywood Lane and Francis Street for the yearly rent of £30 4s 0d. From The Right Honourable Lord Calthorpe to Robert Walter Winfield Esq. Signature and seal of Robert Walter Winfield. (MS 2126/EB/15/k/15)

1880 OS map shows the four very large detached villas on Ladywood Road with large semi-detached villas along the other three sides of what becomes the Gardens – Monument, Plough & Harrow and Beaufort Roads.

1888 1st edition Ordnance Survey. 3 houses on Ladywood Road joined by a fourth to west, Oban House. The formal Georgian gardens now replaced by the informal parkland style of Victorian ones.

Athol House is shown in the largest plot (on the site of the park). It is set at the back of a large front garden with a fountain, sinuous walks, trees, carriage drive from Ladywood Road to stables to east, and a walled kitchen garden to south. Oban has a similarly informal layout to front garden with a pond, and formal garden to rear. Similar but smaller villas and plots, The Poplars and The Beeches, to the east. South of Oban along Monument Road, a row of more modest but still large houses with gardens to the rear, and on Beaufort Road. Across Beaufort Road is The Hawthorns, the largest house and plot in the area, owned by the brass manufacturer R W Winfield.

1893 B Whitehouse & Sons Builders & Contractors open Park House Works on Monument Road near the corner with Waterworks Road. Photograph album. (MS 921/1)

1900 OS map little change from 1880; in addition to the kitchen garden of Athol House, two other open areas remain in the centre of the houses. Much of the area continues to be owned by the Calthorpes as part of their Edgbaston estate and they lease or rent the houses.

1906 Athol House is occupied by the Association for the Unmarried Mother and Her Child and re-named Hope Lodge, providing a home for new mothers and babies up to four months old. Opened with 14 mothers and 10 babies. It was the first home of its kind in the country. Outcome of a meeting of the Birmingham Magdalen Workhouse Charity, principal convener Miss H E Newill, one of the local Poor Law Guardians. Miss Newill with Mrs CJ Bracey and Mrs Hugh Smith proposed 'a voluntary home for single girls awaiting the birth of an illegitimate child, who might come under moral influence and training in domestic and laundry work'. Miss Newill becomes the first President and Chairman. (MS603/9/8)

1907 Magdalen Society becomes the Association for the Rescue and Training of Young Women (Birmingham District). Annual reports from 1909 onwards detail the activities of the Society. (MS603/3)

Photographs of Miss Newill Chairman 1906-14 and Mrs Hugh Smith Treasurer 1906-10 and Chairman Outside Cases 1910-19. (MS 603/10/2 and 1)

1914 Hope Lodge moves from Athol House to Fern Lodge, Heathfield Road, Handsworth. (MS603/9/8)

1910 OS map little change from 1900. Open area in the centre of the houses could be tennis courts accessed between 18 and 20 Beaufort Road.

1915 Lease for the land at the rear of Athol and Oban Houses (probably the former kitchen garden) and those on Monument Road, from Rachel Anstruther Gough Calthorpe to Mr Turner for 5 years. Notes the owners of adjacent properties. (MS 2126/EEP/229)

1916 Wounded soldiers entertained to tea and an open-air concert at the Mount Pleasant Working Men's Club Oban House, Ladywood Road (Evening Despatch 10 July 1916, Norman Bartlam)

1918 Neville Chamberlain elected Conservative/Unionist MP for Ladywood and represented the area until 1929 when he became MP for the safer Unionist seat of Edgbaston (The Brew' Us Bugle, Norman Bartlam)

1919 Lease for the land at the rear of Oban House, from Rachel Anstruther Gough Calthorpe to Messrs Furber(?), Scott & Boardman for 9 years. Plan for lease shows a bowling green to the rear of Oban House, probably associated with the Working Men's Club. (BCC Deed packet)

1921 Neville Chamberlain MP suggests to Mr and Mrs The Hon. Anstruther-Gough-Calthorpe that they donate the land at the corner of Monument Road and Ladywood Road as a playground – see full transcript of the article from the Birmingham Mail below. (Norman Bartlam)

1922 Deed of gift of land for Chamberlain Gardens between Rachel Anstruther-Gough-Calthorpe and The Lord Mayor Aldermen and Citizens of the City of Birmingham. Building leases for 179-184 Monument Road Very clear plan of occupiers and leases at transfer. (BCC Deed packet)

1924 Chamberlain Gardens opened on 28 June by Mr Neville Chamberlain MP. Facilities included a general playground, shelter, sandpits and children's gardens – see full transcript of the article from the Birmingham Post below. (Norman Bartlam)

1933 Redemption of the Corn Rents, with a very clear City of Birmingham Parks Department plan showing the original extent of Chamberlain Gardens (BCC Deed packet)

1939-

45 Public air raid shelters built in the park (The Brew' Us Bugle). They were the first 'sleeper shelters' in Birmingham designed to hold 100 women and children, and 56 people in bunks (newspaper cutting from (Norman Bartlam).

1949 Photograph of house at the corner of Monument Road and Reservoir Road.
(Photographic box BCC Acc 1999/077 Box 12/34)

1950s Playground was south of the Pagoda (the Park Keeper's Hut). There was a 'Son's o Rest' seating area north of it and two bowling greens to the west of it. *'Parkie' was housed in a gazebo where he looked after older people, many of whom would play chess on the tables provided.* There were games and a play leader. (Ex-resident Vera Goldsworthy nee Tindall in The Brew' Us Bugle). *'They had the swings, the roundabout pancake, and the highly polished chute to slide down. Moving into the tree and garden area by the bowling green, you came to Mr Hobbs' (the parky) hut. His hut was wooden and comfortable with a thatched roof. The perimeter of the park in the Ladywood Road section had a blue brick wall and at the bend around the corner into Monument Road was a section separating the wall by a set of railings, which looked like a former gateway. Further up at the Monument Road gate was chestnut fencing.'* (Roy Gurley, resident, in The Brew' Us Bugle).

1955 First OS map to show the layout of Chamberlain Gardens. The playground is on the site of the kitchen garden of Athol House, south of the Pagoda. The ornamental area with trees, is the front garden of Athol House, using the carriage drive as a path. There is a bowling green on the site of Oban

House and tennis court on the site of the bowling green to the rear. Other tennis courts outside the park are accessed between 18 and 20 Beaufort Road. Houses remain along Monument, Plough & Harrow and Beaufort Roads.

1956 Purchase of houses and land by BCC from the Calthorpes for complete re-development of the area. Deed of transfer of land for £290,000 for two parcels of land (i) bounded between between Plough & Harrow Road, Monument Road, Ladywood Road and Beaufort Road, later becoming Chamberlain Gardens (ii) land between Beaufort, Duchess and Francis Roads. Richard Hamilton Anstruther-Gough-Calthorpe and The Lord Mayor Aldermen and Citizens of the City of Birmingham. Plan of the houses, list of the tenants and tenancy values at transfer. (BCC Deed packet)

1959 Photographs of the original houses by the City Engineer & Surveyor, prior to demolition. A particularly moving collection showing the high quality of the houses destroyed and the people living in them prior to demolition. Especially complete run along Beaufort Road, showing some houses were earlier and Italianate, others later and more Gothic. For example 72-78 Beaufort Road at the corner with Ladywood, a 'typically Victorian' pair of large semis with dormer windows, ornate barge boards and string brick courses. 6-8 Beaufort more Italianate. Also Winfield's house, The Hawthorns, from the corner of Beaufort and Ladywood Roads.

(Photographic box BCC Acc 1999/077 Box 2/4)

1962 Families moved into 9-storey tower blocks of the Chamberlain Gardens Estate, 'what will eventually be Birmingham's prettiest estate' for 600 families. They overlook the Gardens and 'provide sorely-needed housing accommodation' (Evening Despatch 28 September, newspaper cutting from Norman Bartlam).

1969 OS map shows the area completely re-developed with new open space and housing, mainly large blocks of flats. Rear gardens of Beaufort Road houses completely removed, and become part of the enlarged Chamberlain Gardens with a paddling pool at its centre and tennis courts on the site of the playground. The Parky's Hut (pagoda) remains in-situ.

1974 Photograph of houses at the corner of Monument Road and Reservoir Road. [Also photograph of the Calthorpes with councillors at a BCC civic dinner]. (Photographic box BCC Acc 1999/077 Box 12/34)

1976 Paddling pool in use (resident's photograph, Norman Bartlam).

2010 Cawdor Crescent three tower blocks in the Gardens (photograph, Norman Bartlam).

2011 Oratory RC Church annual procession in June across the Gardens (photograph, Norman Bartlam).

2012 Aerial photo shows Cawdor Crescent three tower blocks demolished. Little change to layout compared to 1955, play area now marked south of sports courts (ex-tennis court).

2014 Outdoor gym (on site of paddling pool) opened by boxer, Craig Cunningham (photograph, Norman Bartlam).

2015 OS map shows housing and low-rise apartment blocks built on Cawdor Crescent, sports courts and layout of green gym.

2.2 Newspaper Articles

The following two newspaper articles illustrate the gift and opening of Chamberlain Gardens in 1921 and 1924 respectively.

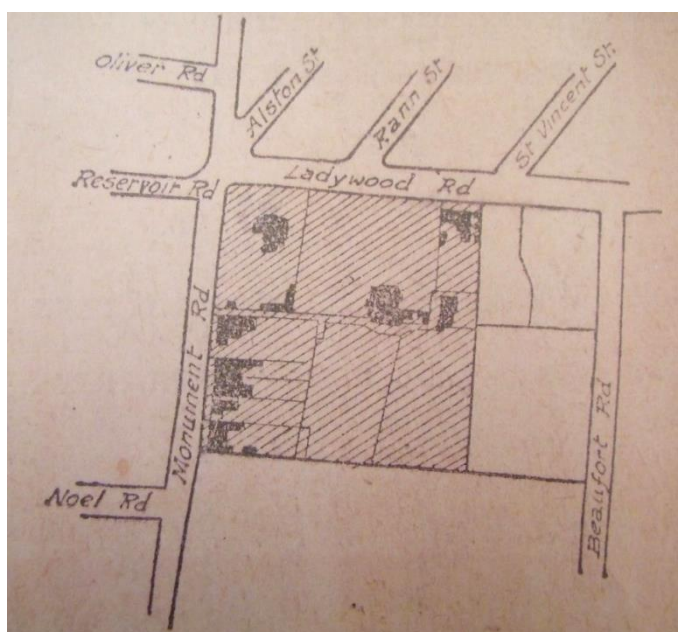
Birmingham Mail 29 July 1921

From <http://www.britishnewspaperarchive.co.uk/>, courtesy of Norman Bartlam

Open Space for Ladywood

Calthorpe Family's Generous Gift, Memorial to Mr Joseph Chamberlain

The shaded portion in the picture shows the proposed playground



The Ladywood district of Birmingham will shortly possess an open space, some 4 $\frac{3}{4}$ acres in extent, which will serve as a playground. The gift is made by Mr and The Hon. Mrs Anstruther-Gough-Calthorpe and is the outcome of suggestions made to the donors by Mr Neville Chamberlain MP.

The land upon which is built several villa residences, is in close proximity to Beaufort Road and Fiveways, and has a corner frontage to Monument Road and Ladywood Road. As the leases on the greater portion of the land do not expire until 1929, the making of an open space cannot take place for some years, but in the meantime, the income from the leases on the property will accumulate and form a fund to set off against the expense of laying out the land. As it is contemplated that the land shall be used as a playground, the layout and maintenance will probably not be very costly. The correspondence relating to this very generous gift which was made public by the Lord Mayor yesterday, will be placed before the October meeting of the City Council.

In making the gift, Mr F H Anstruther-Gough-Calthorpe, writing to Mr Neville Chamberlain, wrote :

'Since I have had the pleasure of meeting you in London, I have been thinking over our conversation concerning the block of land at the corner of Ladywood and Monument Roads, at Edgbaston with the idea of devoting it for the purpose of a public park. You will recollect what you told me of the urgent need of an open space in the district of Ladywood. I have approached the Calthorpe Estate Trustees and they have formally given their consent to the gift of the land in question for a public park. Both Mrs Calthorpe and myself fully appreciate the circumstances, and our desire is to assist you as far as we possibly can in carrying out your project and to do something for Birmingham. I may tell you at once that the decision we have come to, is to offer the property as a free gift to the Corporation of Birmingham, on the understanding it is used in perpetuity for the purpose for which you so strongly urged its need. If it can be managed we should like to have the privilege of associating the gift in honoured memory of your father, [Joseph Chamberlain Lord Mayor of Birmingham] and of the undying services he rendered to the Empire and Birmingham. We have not forgotten the intense interest he took in founding the University as it is today, and it would give Mrs Calthorpe and myself much personal satisfaction if the name of Chamberlain could in some way be associated with the new park it is now desired to establish.'

Councillor McDonald, in proposing a vote of thanks to the Lord Mayor and Mr Neville Chamberlain, said these open spaces in the congested parts of the city were very valuable, and they wanted to see more of them, so that the children need not play in the streets. The Parks Committee were striving to obtain more of them in the congested parts of the city. He spoke of the gift of the Feeney Trustees of £1,500 towards the lay-out and also acknowledged the help given by the Advisory Arts Committee of the Civic Society in supervising the scheme of lay-out.

Alderman Sir David Davis seconded the resolution, and said without any special reminder, the service of the Chamberlain family would remain deep in the hearts not only of the present, but also of succeeding generations.

Captain Calthorpe expressed the pleasure which it had given Mrs Calthorpe to make that gift, and assured them that they desired nothing more than to further the amenities and welfare of the city in which the Edgbaston estate was situated.'

Birmingham Post 30 June 1924

From <http://www.britishnewspaperarchive.co.uk/>, courtesy of Norman Bartlam

A Birmingham Open Space

'The acquisition of a new open space in the Ladywood district gives occasion for civic satisfaction. In this particular area, there has hitherto been no small open space of the type the Parks Committee of the Corporation set themselves rather less than 20 years ago to secure. The type referred to is an enclosure of small area in the densely populated inner zone in which children can play. Not a few of those established in the period mentioned are on sites formed by the clearances of slum areas. The benefits which have resulted from the provision of these small open spaces cannot be over-stated. There are now at least twenty small recreation grounds of the kind in the city, and when opportunity affords for adding to their number in suitable localities, it is readily seized. Ladywood has felt the need of one for some time, and through the good services of Mr Neville Chamberlain and the generous gift of

Mrs Anstruther-Gough-Calthorpe, is now in possession of a highly desirable site which has been converted into a playing ground for succeeding generations of children and young people.'

3.0 Historic Maps

Commentary on Historic Maps provided by BCC

1828 Piggot Smith

The majority of the park is fields. Along Ladywood Road there are 3 villas with formal Georgian gardens, the westernmost is Athol House. The Monument (tower) is shown further south along Monument Road and the house Lady Wood to the east.

1880 OS map

Shows four large detached villas in their own gardens on Ladywood Road with large semi-detached villas along the other three sides of what becomes the Gardens – Monument, Plough & Harrow and Beaufort Roads.

1888 OS map, 1st edition

The 3 houses on Ladywood Road have been joined by a fourth to the west, Oban House. The formal Georgian gardens have been replaced by informal Victorian ones. Athol House has the largest plot (on the site of the park). It stands at the back of a large front garden with a fountain, sinuous walks, trees, and a carriage drive from Ladywood Road. It has a walled kitchen garden to the south.

1900 and 1910 OS maps

Little change from 1880. In addition to the kitchen garden of Athol House, two other large, open areas remain in the centre of the houses.

1950's OS map

First to show Chamberlain Gardens. The playground is on the site of the kitchen garden of Athol House, south of the shelter (now 'the pagoda'). The ornamental area with trees, is the front garden of Athol House and uses much of its layout, including its trees and paths/carriage drive as footpaths. There is a bowling green and tennis court on the site of Oban House. Other tennis courts are accessed between 18 and 20 Beaufort Road. The houses remain along Monument, Plough & Harrow and Beaufort Roads.

1960's OS map

Shows the area completely re-designed with new open space south of the original Gardens and new blocks of flats. Rear gardens of Beaufort Road houses now part of the informal layout of Chamberlain Gardens with a paddling pool at its centre and tennis courts on the site of the playground. The shelter or Parky's Hut (the pagoda) remains in-situ.

2012 Aerial photo

Shows Cawdor Crescent three tower blocks demolished. Little change to layout compared to 1955, play area now marked south of sports courts (ex-tennis).

2015 OS map

Shows housing and low-rise apartment blocks built on Cawdor Crescent, sports courts and the layout of a new green gym.

4.0 Trees

- 4.1 A summary tree survey of all the trees, including the most recently planted ones, to record species, age and approximate visual condition was undertaken as an aid to illustrating and informing our understanding of how the park developed over time and also to assist in the development and formulation of proposals and themes.
- 4.2 The results are illustrated in the table below and also in the 2 tree maps presented in Appendix 1: Tree Survey and Age Distribution.

TABLE 4.1 CHAMBERLAIN GARDENS TREE SURVEY

No.	Species	Latin Name	Est age	Condition
1	Cherry (ornamental)	Prunus avium	25-50	good
2	Sycamore	Acer pseudoplatanus	75-100	good
3	Beech	Fagus sylvatica	150-200	good
4	Lime european	Tilia x europea	100-150	good
5	Lime weeping	Tilia x europea	100-150	good
6	Birch	Betula	25-50	good
7	Corsican Pine	Pinus nigra	100-150	good
8	Lime (vulgaris)	Tilia x europea	100-150	good
9	Cherry (bird)	Prunus avium	25-50	good
10	Lime european	Tilia x europea	25-50	good
11	Whitebeam	Sorbus aria	25-50	good
12	Whitebeam	Sorbus aria	25-50	good
13	Rowan	Sorbus intermedia	25-50	good
14	Whitebeam	Sorbus aria	25-50	good
15	Whitebeam	Sorbus aria	25-50	good
16	Scots pine	Pinus sylvestris	75-100	good
17	Sycamore	Acer pseudoplatanus	100-150	reasonable poor crown
18	Cherry (bird)	Prunus padus	50-75	good
19	Lime	Tilia x europea	75-100	good
20	Beech	Fagus sylvatica	150-200	good
21	Beech	Fagus sylvatica	150-200	good
22	Beech	Fagus sylvatica	150-200	good
23	Lime (vulgaris)	Tilia x europea	100-150	reasonable
24	Lime european	Tilia x europea	100-150	good
25	Horse chestnut	Aesculus hippocastanum	100-150	good
26	Variegated holly	Ilex aquifolius	100-150	good
27	Ash	Fraxinus excelsior	75-100	good
28	Lime	Tilia x europea	75-100	good

29	Horse chestnut (red)	Aesculus hippocastanum	50-75	good
30	Whitebeam	Sorbus aria	50-75	good
31	Holly	Ilex	50-75	good
32	Holly	Ilex	50-75	good
33	Sycamore	Acer pseudoplatanus	100-150	good
34	Cherry (o)	Prunus avium	25-50	good
35	Cherry (o)	Prunus avium	25-50	good
36	Cherry (o)	Prunus avium	25-50	good
37	Cherry (o)	Prunus avium	25-50	good
38	Cherry (o)	Prunus avium	25-50	good
39	Cherry (o)	Prunus avium	25-50	good
40	Cherry (o)	Prunus avium	25-50	good
41	Cherry (o)	Prunus avium	25-50	good
42	Cherry (o)	Prunus avium	25-50	good
43	Cherry (o)	Prunus avium	25-50	good
44	Cherry (o)	Prunus avium	25-50	good
45	Lime european	Tilia x europea	75-100	good
46	Cherry	Prunus avium	25-50	good
47	Beech	Fagus sylvatica	100-150	good
48	Beech	Fagus sylvatica	150-200	good
49	Sycamore	Acer pseudoplatanus	100-150	reasonable
50	Beech	Fagus sylvatica	100-150	good
51	Whitebeam	Sorbus aria	25-50	good
52	Rowan	Sorbus	25-50	Good/Poor basal bark damage
53	Rowan	Sorbus	25-50	good
54	Acer crimson king	Acer platanoides 'Crimson King'	25-50	good
55	Ash	Fraxinus excelsior	75-100	good
56	Plane	Platanus orientalis	75-100	good
57	Plane	Platanus orientalis	50-75	leaning/good
58	Plane	Platanus orientalis	50-75	pollarded heavily
59	Plane	Platanus orientalis	50-75	reasonable
60	Plane	Platanus orientalis	50-75	reasonable
61	Maple	Acer platanoides	75-100	good
62	Maple	Acer platanoides	75-100	pollarded/reasonable
63	Plane	Platanus orientalis	75-100	pollarded/reasonable
64	Plane	Platanus orientalis	75-100	good
65	Hawthorn	Crataegus	75-100	good
66	Plane	Platanus orientalis	75-100	good
67	Beech	Fagus sylvatica	150-200	good
68	Horse Chestnut	Aesculus hippocastanum	75-100	good
69	Horse Chestnut	Aesculus hippocastanum	75-100	good
70	Ash	Fraxinus excelsior	75-100	good
71	Ash	Fraxinus excelsior	75-100	good
72	Ash	Fraxinus excelsior	50-75	good
73	Cherry	Prunus padus	50-75	good

74	Cherry	Prunus avium	25-50	good
75	Sycamore	Acer pseudoplatanus	50-75	good
76	Plane	Platanus orientalis	50-75	good
77	Maple	Acer platanoides	100-150	good
78	Lime european	Tilia x europea	100-150	good
79	Plane	Platanus orientalis	100-150	good
80	Sycamore	Acer pseudoplatanus	75-100	good
81	Sycamore	Acer pseudoplatanus	75-100	good
82	Lime european	Tilia x europea	75-100	good
83	Sycamore	Acer pseudoplatanus	75-100	poor basal wound/poor crown
84	Sycamore	Acer pseudoplatanus	75-100	good
85	Maple	Acer platanoides	75-100	good
86	Maple	Acer platanoides	75-100	good
87	Cherry	Prunus avium	25-50	good
88	Cherry	Prunus avium	25-50	good
89	Cherry	Prunus avium	25-50	good
90	Cherry	Prunus avium	25-50	good
91	Lime	Tilia x europea	50-75	good
92	Lime	Tilia x europea	75-100	good
93	Lime european	Tilia x europea	75-100	good
94	Lime european	Tilia x europea	75-100	good
95	Lime european	Tilia x europea	75-100	good
96	Hawthorn	Crataegus	75-100	good
97	Cherry	Prunus avium	25-50	good
98	Cherry	Prunus avium	25-50	some lean
99	Ash	Fraxinus excelsior	100-150	Poor crown
100	Hawthorn	Crataegus	75-100	good
101	Hawthorn	Crataegus	50-75	good
102	Hawthorn	Crataegus	50-75	good
103	Horse Chestnut	Aesculus hippocastanum	100-150	good
104	Poplar	Populus sp.	100-150	good
105	Sycamore	Acer pseudoplatanus	100-150	good
106	Maple	Acer platanoides	75-100	good
107	Cherry (bird)	Prunus avium	50-75	good
108	Cherry (bird)	Prunus avium	50-75	good
109	Cherry (bird)	Prunus avium	50-75	good
110	Cherry (bird)	Prunus avium	50-75	good
111	Cherry (bird)	Prunus avium	50-75	good
112	Sycamore	Acer pseudoplatanus	100-150	good
113	Sycamore	Acer pseudoplatanus	100-150	good
114	Sycamore	Acer pseudoplatanus	50-75	good
115	Pear	Pyrus	25-50	good
116	Pear	Pyrus	25-50	good
117	Pear	Pyrus	25-50	good
118	Pear	Pyrus	25-50	good

119	Pear	Pyrus	25-50	good
120	Maple	Acer platanoides	25-50	good
121	Maple	Acer platanoides	25-50	good
122	Cherry	Prunus avium	25-50	good
123	Pear	Pyrus	25-50	good
124	Pear	Pyrus	25-50	good
125	Lime	Tilia x europea	75-100	good
126	Lime	Tilia x europea	75-100	good
127	Lime	Tilia x europea	75-100	good
128	Sycamore	Acer pseudoplatanus	50-75	good
129	Cherry	Prunus avium	50-75	good
130	Plane	Platanus orientalis	50-75	good
131	Pear	Pyrus sp.	25-50	good
132	Pear	Pyrus	25-50	good
133	Plane	Platanus orientalis	50-75	good
134	Cherry	Prunus avium	50-75	good
135	Pear	Pyrus	25-50	good
136	Pear	Pyrus	25-50	good
137	Cherry	Prunus avium	50-75	good
138	Pear	Pyrus	25-50	good
139	Cherry	Prunus avium	25-50	good
140	Cherry	Pyrus	25-50	good
141	Cherry	Pyrus	25-50	good
142	Maple	Acer platanoides	25-50	good
143	Plane	Platanus orientalis	50-75	good
144	Pear	Pyrus sp.	25-50	good
145	Pear	Pyrus	25-50	good
146	Pear	Pyrus	25-50	good
147	Pear	Pyrus	25-50	good
148	Pear	Pyrus	25-50	good
149	Pear	Pyrus	25-50	good
150	Pear	Pyrus	25-50	good
151	Pear	Pyrus	25-50	good
152	Pear	Pyrus	25-50	good
153	Maple	Acer platanoides	25-50	good
154	Maple	Acer platanoides	25-50	good
155	Maple	Acer platanoides	25-50	good

4.3 The results indicate that the overwhelming number of trees in the gardens are in good condition with a wide variety of species and ages present. The age classes set out on the Tree Age Distribution map consist of the following estimated age categories:

150 - 200 years

100 – 150 years

75 -100 years

50-75 years

25-50 years

- 4.4 In terms of representative ages the oldest trees, all of which are large beech trees, appear to correlate with some of the trees marked on the 1888 map (nos.3,20,21, and 48 and 67). An extract of the map is set out below and suggests that these large beech trees were part of a late 18th century / early 19th century planting, an integral part of the early Georgian garden phase of the villas' development as represented by the 1828 map and subsequently augmented by a later phase in the Victorian period of garden development that occurred in the grounds of the villas of Atholl and Oban.



Figure 1 An extract from 1888 map showing trees that remain today outlined in red that correspond to tree nos. 3,20,21,48 and 67

- 4.5 The remaining tree population has been planted over a period of years with perhaps the bulk of them emanating from a phase of planting that occurred 25 to 50 years ago and are restricted largely to ornamental varieties such as rowan, whitebeam and cherry. This is corroborated by the fact that the area in the north west of the park is shown as a bowling green in the 1960s map and is now covered in trees.

5.0 Proposals and themes

- 5.0 A number of proposals have emerged for the improvement of Chamberlain Gardens as a result of this historical investigation and site appraisal and also in the light of discussions with members of the Friends Group, Councillors and staff of Birmingham City Council.

These are now set out below as a series of proposals and interpretive themes that are related to a Landscape Masterplan whose primary objective is the restoration and enhancement of Chamberlain Gardens as a vibrant public park.

5.1 Proposals

1. Boundaries. Remove trip rails install a traditional 1.2m high bow top railing fence and establish a new low (c1.2m high max.) hornbeam hedge along the boundary with Monument Road and Ladywood Road. This would help to define the Gardens more precisely, at low level, provide a soft edge, enhance its landscape qualities by defining it as a separate green space and enhance biodiversity at the same time. Historically boundary features such as hedges, fences and walls were a consistent feature of properties which were later amalgamated to form Chamberlain Gardens.
2. Restore 'Parky's Hut'. Proposals have already been submitted to overhaul the Hut, a small shelter constructed to house the Park Keeper in the 1920/30's. A full restoration including replacing the new deteriorating cedar wood shingle tiles and timber supporting posts is recommended. However, further enhancements might also include:
 - Widening the area around the hut to allow for a more generous area of hardstanding surfaced in resin bound gravel edged perhaps, with herbaceous planting beds or low box hedging. This could be used for seating, either permanent or temporary foldable seats stored in Parky's Hut.
 - Interpretation. The existing window provide an excellent location to mount a series of interpretive boards which explain, describe and illustrate the history of Chamberlain Gardens under the various themes set out in section 6.0
3. Community orchard. As an echo of the kitchen garden and orchard that was associated with Athol House, Chamberlain Gardens and new community orchard could be established using local fruit tree species and defined by a hornbeam hedge protected by an estate bar rail fence. Long grass and wildflowers with grass paths and seating would enhance its character further.
4. Veteran Tree Management. Several old beech trees have been identified as originating from the earliest phase of the Garden's history in the early part of the 19th Century or possibly late 18th Century. These trees should be assessed in detail for possible disease and structural decay and measures adopted to prolong their life if possible. This might include light thinning of the canopy or alleviation of compaction in the root zone. Any young trees beneath their canopies should be removed.

5. Contour mowing. Areas of long grass with bulbs should be established around the park. Apart from biodiversity benefits, the contrast between tightly mown sward and long grass is an attractive feature with commensurate economic benefits in reduced management.
6. Path rationalization. At present the park is characterized by an abundance of paths but there is no hierarchy, no way of walking around the park and several key entrances have been ignored. Rationalize the path network by establishing new paths from key entrances which allow direct routes through the park and establish entrance gateways in sculptural metalwork that reflect interpretive themes as key entrance gateways. Remove paths that go nowhere or duplicate the new path network and create a new circular path so that people can walk around the park. Create a path hierarchy through surfacing using buff coloured resin bound gravel to define the circular path and bitmac for all others. Certain section of path surfacing needs repairing.



A public park in Chesterfield which has recently adopted this approach of resurfacing most paths in resin bonded gravel.

7. Kickabout area. At present this area is under used and suffering from poor drainage and soil conditions. It is also somewhat isolated from the remainder of the gardens by low, linear (rubble filled?) bunds. The central area should be filled and a new low mound established, sown with an appropriate meadow or wildflower mix with mown paths and picnic tables to provide an informal seating and picnic area which overlooks the children's play area.
8. Outdoor gym. This is a new and well used facility in the centre of the park. However, it is clear that the surfacing beneath certain items of equipment is inadequate and is being eroded through constant use. An alternative, more hard wearing, surface ie. bitmac and resin bound gravel, should be considered.
9. Signage. New finger signposts should be erected at key points which direct visitors to facilities and landmarks off site.
10. Seating. More seats should be introduced but of a more traditional, high quality design rather than an off the shelf solution.

6.0 Themes for interpretation

Various interpretive themes have emerged which could help connect Chamberlain Gardens with its history, community and benefactors, and tell the story of the park.

The Calthorpes, 18th to 20th century

- 6.1 The 18th century owners of the land which became Chamberlain Gardens. Their archive tells the story of how an agricultural estate developed into high quality villa housing with extensive gardens, but as Birmingham expanded, the area became slowly less desirable. The Calthorpes retained the ownership of the area and leased or rented out the houses. They donated plots in 1922 to BCC for the original Chamberlain Gardens with leases running until 1929 to fund the work. In 1956 they sold the whole area of housing to BCC for a comprehensive redevelopment scheme, when the majority of the original houses were demolished and Chamberlain Gardens took on the boundaries it has today.

Robert Walter Winfield, mid-19th century

- 6.2 The family lived nearby at The Hawthorns on the east side of Beaufort Road. RW Winfield leased this and more land from the Calthorpes, which he used for housing development in the 1850s, including areas which now comprise the Gardens. In effect he was a property developer. Norman Bartlam has further information on the Winfields brass manufacturing business.

The Chamberlains, early 20th century

- 6.3 The Calthorpes donated the land for the park in memory of Joseph Chamberlain Lord Mayor of Birmingham and a Cabinet Minister. His son Neville was MP for Ladywood, then Edgbaston, and became Prime Minister in 1937-40. Most parks do not have a close association with figures of such local and national significance, so this deserves explanation. See <https://www.gov.uk/government/history/past-prime-ministers/neville-chamberlain>. The BCC archive should have photographs of Joseph and Neville Chamberlain.

Association for Unmarried Mothers, 1906-13

- 6.4 This was the first home of its type in the country to be set up and was established at Athol House in 1906. Rather than unmarried mothers having their children in the workhouse, they were able to give birth and look after their children for up to four months at this home. Whilst the values of the time appear very different to those of today, this approach was an innovation.

The origins of Chamberlain Gardens as large houses and gardens

- 6.5 Explain that land now occupied by Chamberlain Gardens was originally comprised of large houses and their associated gardens. Use historic OS maps and the excellent range of 1959 BCC photographs taken prior to their demolition. Use bands of different paving in paths to show the boundaries of the house plots and where they crossed current paths, possibly engraved with 'Oban House' etc.

War memorial

- 6.6 Consider ways of remembering those who fought and died locally in WWI and WWII. Names engraved with a raised stone kerb surrounding Parky's Hut might be one option.

Sons of Rest

- 6.7 Include some information about this association which began in Birmingham in 1927, and had shelters in many parks, see below.

7.0 Possible future study

7.1 Possible areas for future study if required include:

- **Birmingham Civic Society**

There may be Minutes or records of the Advisory Arts Committee which assisted BCC with the original layout of the Gardens.

- **BCC Birmingham City Council archive - Council Minutes and photographs of the Chamberlains**

Council Minutes are often very brief and uninformative. Parks Committee Minutes may be more informative.

- **Occupiers of Athol House and Oban House**

We have searched the Censuses using Ancestry to see who lived there. However the Census searching is by name rather than by address, so it is very time-consuming to track down the street in the changing Enumeration District in each Census. It would be easier to start with the Winfields in the 1851 Census on Ladywood Road and expand the area of search by street. Also because most of the occupiers were there by leasehold or tenancy, their period of occupation may have been relatively short.

- **Ladywood On-line**

Norman Bartlam has the photos available on here and none directly of the garden.

- **Working Men's Club in Oban House c. 1916**

Noted in a newspaper article and one lease. Could be investigated further.

- **Sons of Rest Shelter in the Gardens**

The Sons of Rest movement started in Birmingham in 1927 when a group of 'industrial veterans' met at Handsworth Park. The first purpose built building was created in 1930 and the movement expanded to over 3000 members in 29 parks. At Cannon Hill Park members meet to socialise and play games.

Courtesy of FLR, see <https://www.flr.co.uk/case-studies/sons-rest/>

<https://birminghamhistory.co.uk/forum/index.php?threads/sons-of-rest.36336/>

A Daughters of Rest organisation was also later set up.

http://webcache.googleusercontent.com/search?q=cache:Qv_CaaovEE0J:blackcountryhistory.org/collectio ns/getrecord/GB148_1228/+History+of+the+Sons+of+Rest&cd=1&hl=en&ct=clnk&gl=ca&source= www.google.ca

Sons of Rest archive. Birmingham membership lists, correspondence etc.

University of Birmingham: Cadbury Research Library: Special Collections.

Reference: WMG/1/BOX14/13.

Also 'Sons of Rest. History of the birth and growth of the movement in Handsworth Park, 1927-1937' published 1938 by Sons of Rest Birmingham.



1. Main entrance gateways named after local notable residents such as Winfield or people with organisations connections to the park e.g. Chamberlain and designed and fabricated by local artist blacksmith
2. Pagoda fully restored with interpretive panels describing history and origins of the gardens, new paving and external seating
3. New community orchard with local provenance fruit trees, long grass and wildflowers, mown grass paths and seating
4. Paved areas of the Green Gym resurfaced with sand-filled carpet and safety signage.
5. Play area fencing rationalized and reduced with new colourful sand-filled carpet surfacing introduced beneath key items of equipment.
6. Football pitch removed, soil imported and new grassy picnic mound created with long grass, mown grass paths and picnic tables.
7. New circular path 2.0m wide surfaced with warm buff coloured resin bonded gravel flint chippings
8. Area for long grass , wildflower and bulbs
9. New main link paths 2.0m wide surfaced in bitmac

Key

- Long grass and bulbs
- Mown grass
- Existing trees
- Tree removed
- New trees
- New Hornbeam hedges
- New 1.2m high bow top fence
- New primary artist sculpture gateway entrances
- New fingerpost signs
- New benches
- New picnic benches
- Existing bitmac path retained
- New 2.0m wide bitmac path
- Existing bitmac path repaired
- Existing bitmac path surfaced in buff coloured, resin bonded gravel chippings
- New bitmac path 2.0m wide surfaced in buff coloured, resin bonded gravel chippings
- Existing path removed
- Soil mounding
- Path regraded and levels brought up to match surrounding levels with soil and seeded.
- PHASE 1 WORKS BOUNDARY
- EXTENT OF TRUST LAND

Do not scale from this drawing.
Verify all dimensions on site before commencing work. Any discrepancies should be reported without delay to Chris Burnett Associates.

Chamberlain Gardens Landscape Masterplan (Draft)

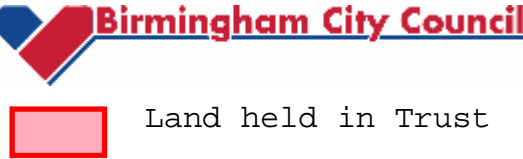
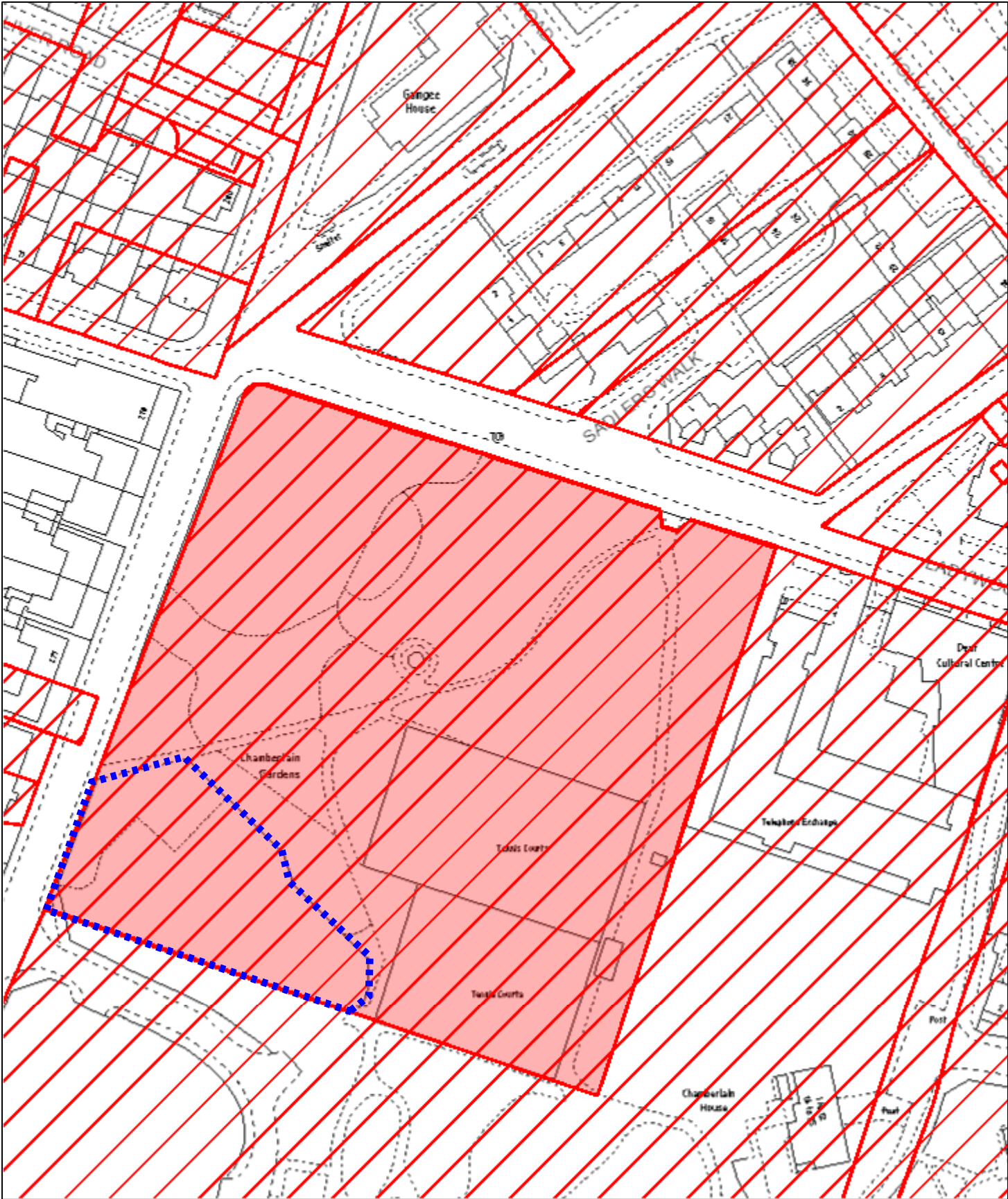
Date	Details	Revision
01/05/17	Minor modifications to layout	01

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Client	Birmingham City Council
Project	Chamberlain Gardens
Scale	1:500 @ A1
Date	04/05/17
Drawn	HB
Checked	
Dwg No.	CGLMP17.01
Revision	01





Map Created By:
Date of Map Creation: 23/01/2015

Notes



Extent of Land brought back into the park



Scale:
1:1,250

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Corporate Director of Place
Date of Decision:	20 September 2017
SUBJECT:	MOSELEY ROAD COMMUNITY CENTRE (FRIENDS INSTITUTE) 220 MOSELEY ROAD, B12 ODG
Wards affected:	Sparkbrook

1. Purpose of report:

To seek approval to obtain revised management powers including powers of disposal for the Moseley Road Community Centre, held in trust and progress the marketing and disposal of the property.

2. Decisions recommended:

That the Committee

- 2.1 notes the report approved at Committee on 3rd July 2013 and the continuing desire to release the premises in the open market for community purposes or, if needs be, other uses and that this will ultimately require powers to enable the disposal of the premises by sale or by the grant of a formal lease or leases, but for which no existing power exists.
- 2.2 confirms that Expressions of Interest from the third sector with a view to transferring management or ownership of the building be sought in line with the terms approved by Committee on 3rd July 2013
- 2.3 authorises that separately applications be made to the Charity Commission to obtain a further revision to the existing Scheme for the better management of the trust assets including powers of disposal, winding up the Charity if appropriate and/or seeking to widen the charitable activities at the premises
- 2.4 authorises, if necessary, the making of applications including a Deed of Release from the gifter's family seeking to remove or amend the restrictive covenants limiting the use of the premises that might hinder disposal or future use
- 2.3 authorises the disposal of the premises by way of a sale or by a lease, for up to 35 years from an early date to be agreed, to an appropriate organisation or persons to be determined via the proposed marketing and selection procedures
- 2.4 delegates to the Assistant Director of Property (Interim) authority to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the property and negotiate the terms of that disposal
- 2.5 authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to remove or amend the restrictive covenant and to apprise the Committee of the results of the applications, consultation and marketing.
- 2.6 and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval

Lead Contact Officers:	Lesley Poulton, Head of Ladywood District, Neighbourhood & Communities Division Place Directorate
Telephone No:	0121 303 2932
E-mail address:	lesley.poulton@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Internal

Sparkbrook Ward Councillors have been made aware of the proposal to seek expressions of interest from other parties to take over responsibility for the Trust (as per the 2013 Committee resolution); and of the need to seek permissions to dispose of the building by lease or sale (Outline Options Paper 05.04.17; e-mails of 22.06.17 and 31.08.17). Pending the receipt of specific proposals, the Councillors have not expressed a view about the options.

External

Public consultation regarding this report is required only as it may be necessary to satisfy the requirements of the Charity Commission in support of the proposed applications to them. Accordingly officers in the Place Directorate, as the current managers of the premises, have opened consultation with existing users to advise them of the proposed intentions of this report. Similar consultation is understood to have taken place before and after the earlier report but matters were not otherwise progressed at that time. At a meeting with user groups representatives on 13th July 2017 it was determined that a new Scheme would be required as soon as possible.

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

Birmingham City Council is the named Custodian Trustee for the Moseley Road Community Centre with the former Leisure Services Committee named as the Managing Trustees. However, current advice is that the Committee no longer exists nor is there a direct successor committee to delegate this to.

The City Council has delegated day to day decision-making to the Trusts and Charities Committee with final decisions on a disposal of land or assets being made by Council as Trustee. The Trusts & Charities Committee can initiate actions to assist the future management of the Trust. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust documents, as amended by any Scheme approved by the Charity Commission.

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

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

As trustee the City Council is responsible for ensuring the Trust is properly managed in all regards and exercises a duty of prudence to ensure that the charity is solvent and appropriate cost controls are in place. Currently all costs are covered by the City Council's Neighbourhood & Communities Division but they no longer have a budget to do so and it is appropriate that new powers are obtained as soon as possible to enable the Service to market the premises and seek alternative ways forward for the premises. Any disposals will be conducted in line with statutory processes set out in the Charities Act 2011. Revenue is ring-fenced and invested in trust for the Charity. Any disposal, if approved, will be processed by officers in Legal Services and Birmingham Property Services and the valuation report will be undertaken by a qualified valuer.

- 3.4 Main Risk Management and Equality Impact Assessment Issues (if any):
Not applicable. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4. Relevant background/chronology of key events:

- 4.1 On 25th March 1903 the property 220 Moseley Road was transferred to Birmingham City Council by Charles Alston Smith-Ryland, Thomas Frederick Chavasse and others. On 12th April 1935 the land now at 218 Moseley Road (the current Caretaker's Flat and car park) was added being acquired for nil value from Charles Watkins & another. The premises are held in trust and were registered as charity no. 516602 on 14 January 1986, known as Moseley Road Community Centre. The building is Grade 2 Listed.
- 4.2 The Friends Institute first opened in 1897 and included both the building currently known as the Moseley Road Community Centre then comprising a coffee shop, Quaker Reading Rooms and a range of smaller rooms principally used then for adult education and the property at the rear on Oughton Road now used by the New Testament Church of God which was the Quaker Assembly Rooms and a basement gymnasium. The Cadbury Family continued to own the Oughton Road premises holding these under a charitable trust known as 'The Friends Hall and Institute Moseley Road' until 1963 when they ended the trust and sold the premises in the open market.
- 4.3 The previous report to Committee on 3rd July 2013 was approved but matters were not actively progressed due to further reorganisation within the Hall Green District. The report approved that Expressions of Interest from the third sector to operate the Community Centre be sought subject to a further report to Committee reporting the outcomes of that exercise and to determine if a disposal should take place. The proposal now is to allow that marketing to progress and also to seek a revised Scheme or Order from the Charity Commission. This is necessary as neither the original conveyances nor the existing Scheme granted on 14th October 1982 nor the amendments on 29th August 1984 or 12th April 1988 provide powers required for the modern management of a trust nor any mechanism for disposal or change or winding up the charity if that becomes appropriate. It is a statutory requirement on the Trust to at all times seek to preserve and properly manage its assets. To do so in this instance will require that all occupations be properly documented and that any actions of the trust are made within its existing powers or such powers as will be enabled by the grant of a further revision to the Scheme by the Charity Commission. Other applications may be required to remove or amend the restrictive covenants placed on the conveyances or to widen the use of the premises to reflect current and proposed user groups.

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 which here is *"the provision and maintenance of an institute or centre for the benefit of the inhabitants of the City of Birmingham or some part of it (a) for educational purposes; (b) for purposes of recreation and other leisure time occupation with the object of improving the conditions of life for the said inhabitants; (c) for other charitable purposes (not excluding religious purposes but excluding the relief of poverty)"*.

4.5 Trustee Powers

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

4.6 Trust Finances

The property has been managed and maintained by Birmingham City Council Place Directorate but is not in good condition. The sole asset of the trust is the property. The trust's revenue is obtained by the hiring of space at the centre. Accounts are up to date.

5. Evaluation of alternative options:

5.1 This report seeks approval to make appropriate applications to enable change and modernisation at the Centre.

- To do nothing is not an appropriate option as the City Council cannot afford to continue to operate this building on the current arrangements and is seeking expressions of Interest from appropriate persons to lease or purchase the premises subject to Council as Trustee and Charity Commission approvals.
- The premises require capital expenditure and other parties may be better placed to apply for such funds than the City Council.
- Without a power of disposal the Trust cannot grant leases or otherwise dispose of the premises to enable the property to be refurbished or the re-organisation of its management structures
- If the attempts to market the premises for community purposes fail to find a suitable bidder it is likely that the premises will have to be sold on the open market

6. Reasons for Decision(s):

6.1 To comply with regulations, for the better safeguarding of the Trust's assets and seek to retain services for the community.

Signatures:

Chief Officer(s):

J. Kennedy

Dated:

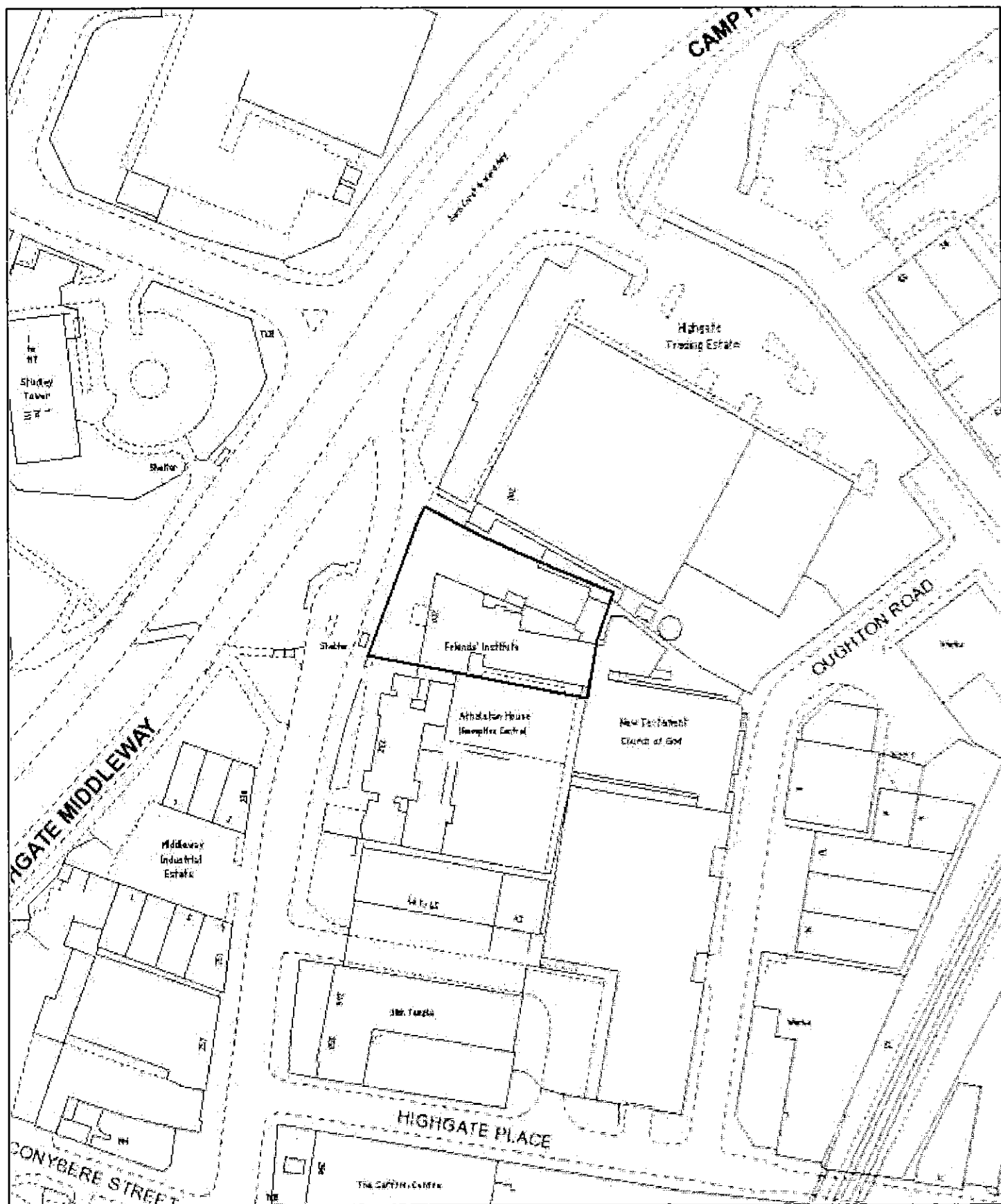
7/9/2017

List of Background Documents used to compile this Report:

1. Deed of Acquisition dated 25th March 1903
2. Deed of Acquisition dated 12th April 1935
3. Schemes of the Trust dated 14th October 1982 and amendments on 29th August 1984 and 12th April 1988
4. Report to the Trusts & Charities Sub-Committee of 3rd July 2013

List of Appendices accompanying this Report (if any):

1. Plans of the premises.



Birmingham City Council Map Created By:

Notes

Date of Map Creation: 24/08/2017

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Page 79 of 98



Scale:
1:1,250

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Director of Property 20th September 2017
SUBJECT:	ELFORD ESTATE – DISPOSAL OF LAND ADJOINING PAGET HOUSE
Wards affected:	Outside of the City Boundaries

1. Purpose of report:

- 1.1 To seek approval to dispose of land forming part of the Elford Estate.

2. Decisions recommended:

That the Committee

- 2.1 notes that land identified on the plan in Appendix 1 is land not accessible to the general public and provides no community function for the Elford trust nor provides any opportunity for further development
- 2.2 approves the proposal to negotiate a disposal of the freehold interest on terms to be agreed of portions of this land to the owner of the adjoining Paget House.
- 2.2 approve the terms of any disposal being negotiated and agreed by the Director of Property acting as agent on behalf of the Trust provided that appropriate restrictions are included in the disposal terms to properly safeguard the Trust.
- 2.3 authorises the recommendations of the Trusts and Charities Committee be advanced to a future meeting of the Council as Trustee for approval the report to which will be approved by this Committee first.
- 2.4 authorises the Acting City Solicitor and Monitoring Officer 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.
- 2.5 authorises the Acting City Solicitor and Monitoring Officer to make any further applications necessary for appropriate powers or approvals from the Charity Commission or other party or body as appropriate to agree to the disposal and to then prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.

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 except where further consultation locally may be required to satisfy the requirements of the Charity Commission and the Charities Act 2011. The Elford Estate is outside of the City boundaries and falls within the parishes of Elford and Whittington & Fisherwick and the secretaries of the Parish Councils are informed of works which affect the public areas of the estate.

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.

The Elford Estate Trust holds the freehold interest of the land in trust as Sole Trustee. Actions proposed are required to be in the best interests of the trust and are intended to preserve the trust estate for the future. The Trustees of the Charity could rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal, however, the Elford Estate Charity Commission Scheme dated 14th May 1990 establishing the regulation of the Charity also provides appropriate powers for the disposal of assets by sale or for lease without further approval by the Charity Commission provided such disposals are conducted in line with statutory processes set out in the Charities Acts and that the proceeds of any sale be invested in trust for the Elford Estate.

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. Any disposal of the land, if approved, will be undertaken by officers in Legal Services and Birmingham Property Services. The valuation of the asset will have to be undertaken by an external valuer as required under the Charities Act 2011 and the fee for this will be reclaimed from any capital receipt. Bruton Knowles are appointed to assist the management of the Estate and have provided valuation advice.

The land is isolated behind the original boundary wall of Elford Hall and has never been open to public access. It is a mix of woodland and grassed areas. It currently produces neither rent nor costs and has no development value or alternative use other than as additional garden to the adjoining houses. The removal of this land from estate ownership is not detrimental to the estate but removes an area of land not easily managed or safeguarded.

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. However, no decision is made until the 'Council as Trustee' has determined it is expedient in the interests of the charity to act.

4. Relevant background/chronology of key events:

- 4.1 The Elford Estate Charity is formed from a single gift from Francis Paget in 1936 and is held in trust as Registered Charity no.1000692 registered 25 October 1990. The Elford Estate Charity Commission Scheme dated 14th May 1990 permits disposals by sale or lease. Approved sales have taken place previously in the vicinity.
- 4.2 The proposal to dispose of part is appropriate as the area of land is identified as difficult and expensive to manage and it is appropriate to limit the Trusts commitments there. The objects of the charity as set out in paragraph 4.6 are wide ranging but the inaccessibility of this particular area and the maturity of the woodland there has always meant it is not used by the public and a proposal to dispose would enable the property to continue to be open garden land and still satisfy the Object of preserving the rural nature of the estate. Any disposal would be required to be at the full market value of the asset as assessed by an independent qualified valuer though disposal value is tempered by the cost of future management by the purchaser. Any capital receipt will accrue to trust funds and interest would be used to further the Objects.
- 4.3 In 2016 the former owner of Paget House sought to establish ownership over a portion of this land by seeking a first registration at the Land Registry which was opposed and defeated. The new owner of Paget house has requested to purchase parts of this land.
- 4.4 In considering the request for a disposal of the land due consideration must be given to the future management of the estate as a whole. The land has no independent access being positioned behind a Grade 2 Listed wall that formerly bounded the Elford Hall. The Hall was demolished in the mid 1960's and areas of land there disposed of in plots in 1980. Investigation with the local planning authority confirms there is no further development opportunity and therefore the disposal of the land appears not to be detrimental to the Estate.
- 4.5 If disposal is judged to be in the best interests of the charity the preference is to sell the freehold interest as the property is detached from the remainder of the Estate. It is unlikely the sale of the whole area will be agreed but it is in the best interest of the trust to remove as many management obligations as possible in this location.

4.6 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 objects of the Elford Estate Charity are 'the promotion of the healthy recreation of the inhabitants of the City of Birmingham' and 'the preservation of the rural nature of the estate'. The disposal of this land creates a capital receipt to the Trust while the nature of the land remains unchanged and continues to support the Objects of the Charity.

4.7 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.

4.8 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 the main agricultural land holding comprised in Home Farm plus other smaller lettings.

5. Evaluation of alternative option:

- 5.1 To do nothing is of course a possible option and the Trust would continue to manage the land. However it is appropriate that land not capable of being safely available to the public should be considered for disposal by sale or by lease. A disposal by sale is considered the most appropriate manner to maximise the benefit to the Estate and restrictive covenants can be included in the disposal to ensure appropriate safeguards are provided to the remaining land of the Trust.

6. Reasons for Decision(s):

- 6.1 To secure legitimate occupation of land while also ensuring on-going compliance with and the Objects and purposes of the Charity for the future.

Date

Signatures

Chairman of the Trusts & Charities Committee

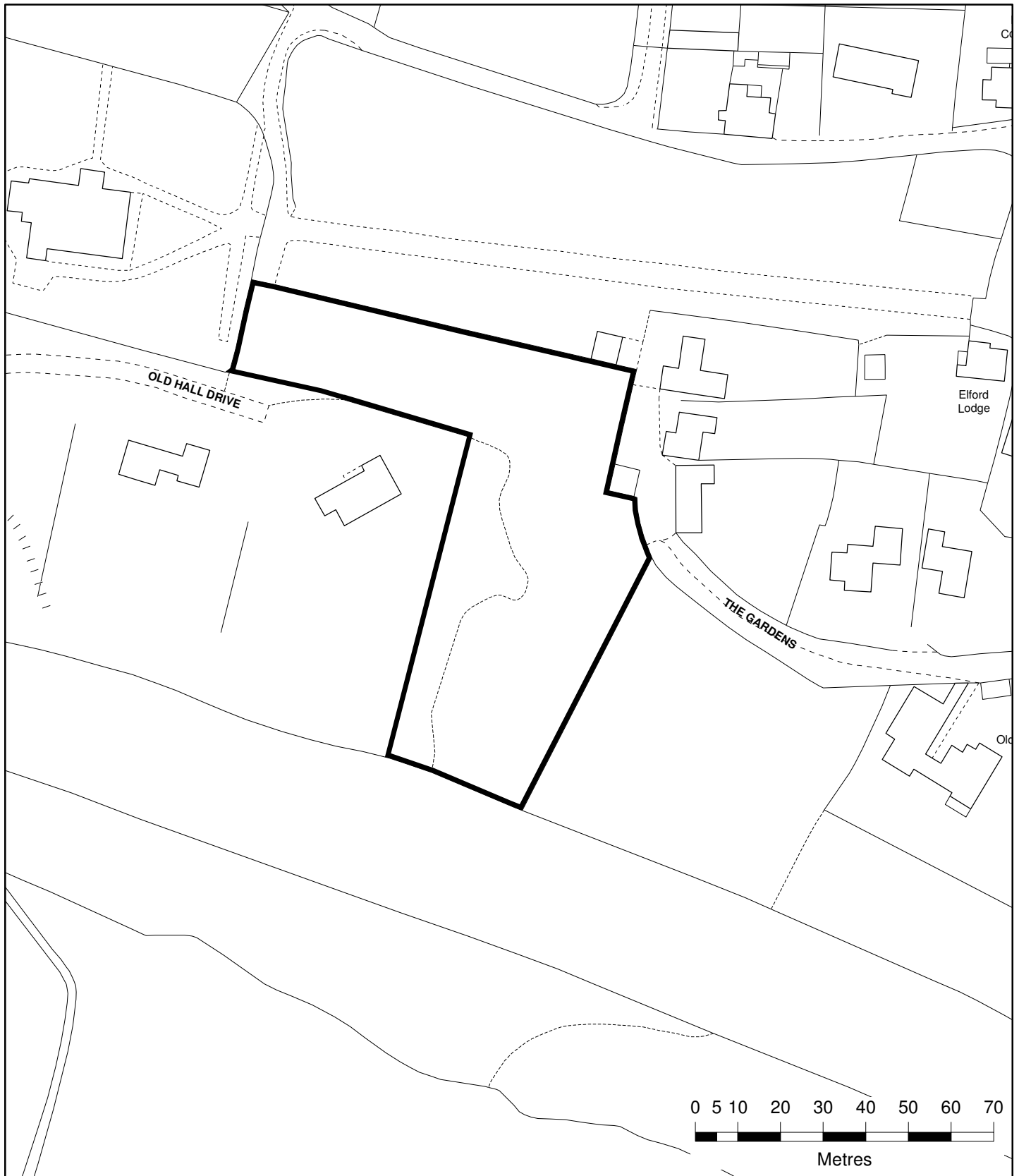
Chief Officer
Director of Property

List of Background Documents used to compile this Report:

1. Charity Commission Scheme dated 14 May 1990.

List of Appendices accompanying this Report (if any):

1. Plan of the trust ownership adjoining Paget House.



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Birmingham
City Council

Waheed Nazir
Corporate Director, Economy
1 Lancaster Circus
Birmingham, B2 2GL.

Land Adjoining Paget House
Old Hall Drive
Elford



SCALE

DRAWN

DATE

1:1,250

Bharat Patel

29/08/2017

O.S.Ref SP1810NE

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Director of Property 20th September 2017
SUBJECT:	HIGHBURY – DISPOSAL OF FORMER LODGE 98 QUEENSBRIDGE ROAD
Wards affected:	Moseley & Kings Heath

1. Purpose of report:

- 1.1 To seek approval to dispose of the former caretakers lodge at 98 Queensbridge Road, forming part of the Highbury Estate.

2. Decisions recommended:

That the Committee

- 2.1 notes that the property is currently vacant and although safeguarded by a guardian occupation, is principally unimproved and in need of capital improvements but no longer required as residential accommodation by the Chamberlain Highbury Trust.
- 2.2 approves the proposal to negotiate a disposal of the freehold interest on terms to be agreed of the house and grounds set out in Appendix 1.
- 2.3 approves the terms of any disposal being negotiated and agreed by the Director of Property acting as agent on behalf of the Trust provided that appropriate restrictions are included in the disposal terms to properly safeguard the Trust.
- 2.4 authorises the recommendations of the Trusts and Charities Committee be advanced to a future meeting of the Council as Trustee for approval the report to which will be approved by this Committee first.
- 2.5 authorises the Acting City Solicitor and Monitoring Officer 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 Acting City Solicitor and Monitoring Officer to make any further applications necessary for appropriate powers or approvals from the Charity Commission or other party or body as appropriate to agree to the disposal and to then prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.

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 except where further consultation locally may be required to satisfy the requirements of the Charity Commission and the Charities Act 2011.

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

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

The Highbury Trust holds the freehold interest of the land in trust as Sole Trustee. Actions proposed are required to be in the best interests of the trust and are intended to preserve the trust estate for the future. To effect a disposal the Trustees of the Charity could rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal or seek a scheme or Order from the Charity Commission to enable a specific disposal or a general power of disposals provided such disposals are conducted in line with statutory processes set out in the Charities Acts and that the proceeds of any sale be invested in trust for the Elford Estate.

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. Any disposal of the land, if approved, will be undertaken by officers in Legal Services and Birmingham Property Services. The valuation of the asset will have to be undertaken by an external valuer as required under the Charities Act 2011 and the fee for this will be reclaimed from any capital receipt.

The property is a two bedroomed detached house with gardens and should sell well even though it is unimproved with an external toilet and no central heating. Although not listed in its own right it is within the curtilage of Highbury and in terms of works will likely be considered as if it were listed. It was previously let on a service tenancy to the widow of the former caretaker for Chamberlain House and is currently vacant and not suitable to let without improvement. It currently produces no rent and is considered most appropriate to sell the freehold interest and avoid depleting the funds otherwise allocated for Highbury. The removal of this land from estate ownership is not detrimental to the estate but removes an area of land not easily managed or safeguarded.

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. However, no decision is made until the 'Council as Trustee' has determined it is expedient in the interests of the charity to act.

4. Relevant background/chronology of key events:

- 4.1 The estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury Hall and Chamberlain House and three lodges. The estate was gifted by the heirs of the Right Honourable Neville Chamberlain on 31st March 1932 and is held in trust as Registered Charity no 1039194 since 1994. Approved disposals have taken place previously.
- 4.2 In 2016 the widow of the former service occupant was relocated by the family and the property became vacant. Having considered all options it is necessary that the property and gardens shown on Appendix 1 be considered for a disposal. The proposal to dispose of part of the estate is appropriate as the property will cost too much to renovate at a time when all funds are committed to the refurbishment of 'Highbury'. The lodge is detached though shares a driveway with the adjoining property and has sufficient independent gardens to allow for the purchasers to undertake renovation or improvements. The objects of the charity as set out in paragraph 4.5 are necessarily limited but will enable the future management of the estate without hindrance.
- 4.3 Any disposal would be required to be at the full market value of the asset as assessed by an independent qualified valuer though any disposal will include restrictive covenants to protect the remainder of the estate but would not seek to prevent reasonable extensions to the property within the land sold and thereby restrict its value. Any capital receipt will accrue to trust funds and interest would be used to further the Objects.
- 4.4 The other lodges are occupied with 92 Queensbridge Road being the base for the four Seasons Gardeners and the gatehouse at Moor Green Road being let to a former employee.

4.5 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 Trust secured additional powers through the Charity Commission Scheme to effect disposal.

4.6 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.

4.7 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.

5. Evaluation of alternative option:

- 5.1 To do nothing is no longer an option as insufficient funds are available for the trust to undertake works to create or manage a residential letting and a disposal by sale or by lease must be considered. A disposal by sale is considered the most appropriate manner to maximise the benefit to the Estate.

6. Reasons for Decision(s):

- 6.1 To best safeguard the asset long term it is appropriate to release it from the estate by disposal and convert the property to a capital receipt.

Date

Signatures

Chairman of the Trusts & Charities Committee

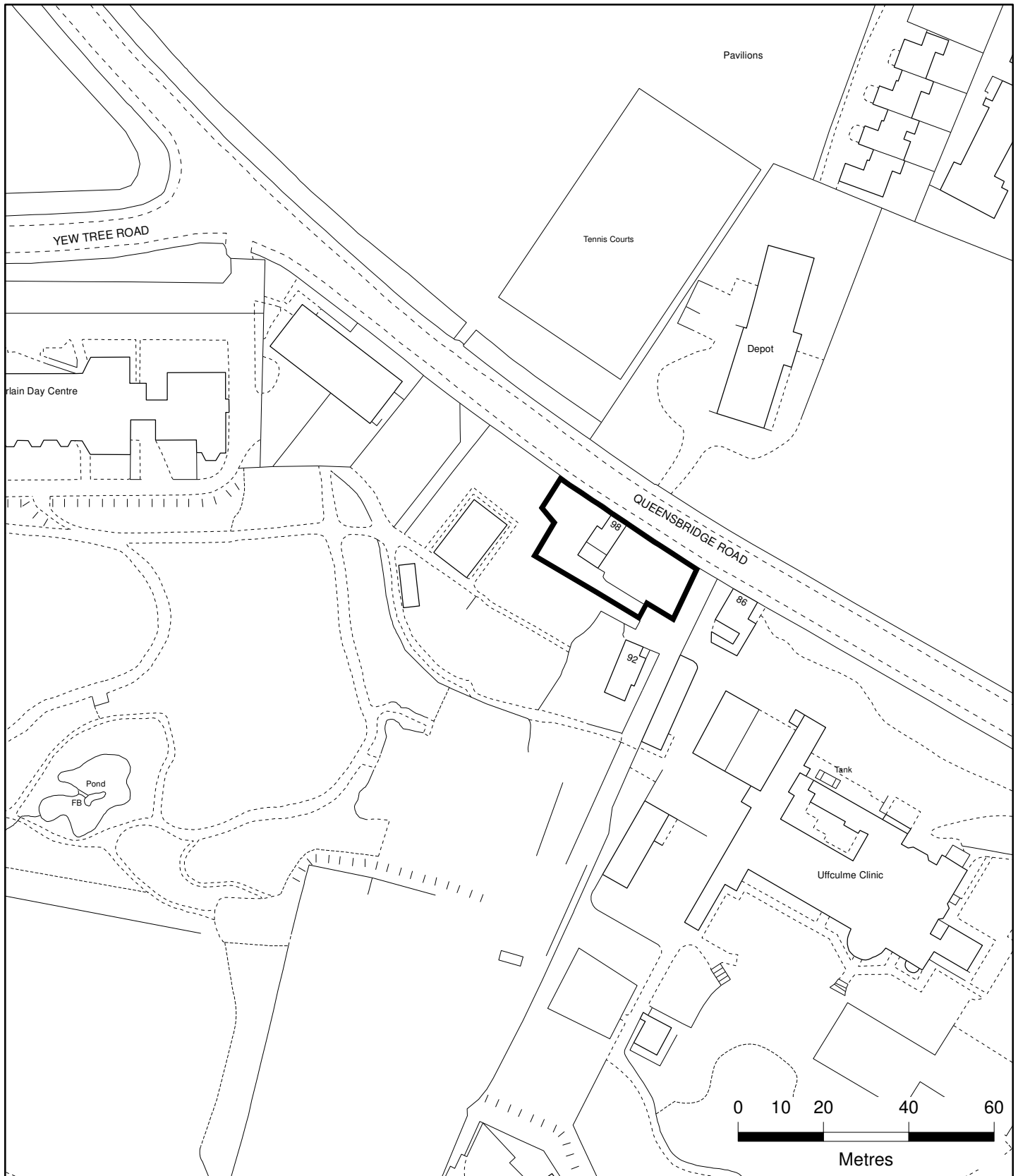
Chief Officer
Director of Property

List of Background Documents used to compile this Report:

1. None.

List of Appendices accompanying this Report (if any):

1. Plan of the property and gardens included in disposal



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SQ. METRES APPROX.

816

SQ. YARDS APPROX.



Birmingham
City Council

Waheed Nazir
Corporate Director, Economy
1 Lancaster Circus
Birmingham, B2 2GL.

98 Queensbridge Road
Kings Heath



SCALE

DRAWN

DATE

1:1,250

Bharat Patel

30/08/2017

O.S.Ref SP0782NW

BIRMINGHAM CITY COUNCIL

PUBLIC OR PRIVATE REPORT PUBLIC REPORT
(not for publication)

Report to: **TRUST AND CHARITIES COMMITTEE**

*Exempt
information
paragraph
number – if
private report:*

Report of: **Interim Chief Finance Officer – Finance and Governance**

Date of Decision: **20 September 2017**

SUBJECT: **TRUST AND CHARITIES FUND BALANCES 2017/18 – QUARTER 1 (TO 30 JUNE 2017)**

Key Decision: **No** **Relevant Forward Plan Ref:** **N/a**

If not in the Forward Plan: **Chief Executive approved** ☐

(please "X" box) **O&S Chair approved** ☐

Relevant Cabinet Member(s) or **N/A**

Relevant Executive Member: **N/A**

Relevant O&S Chair: **N/A**

Wards affected: **ALL**

(for late reports insert reason for lateness and reason for urgency)

Purpose of report:

To inform the Trust and Charities Committee of the income and expenditure position for Trusts and Charities as at Quarter 1, (up to 30 June 2017).

Decision(s) recommended:

That the Trust and Charities Committee :-

Note the latest income and expenditure position of Trusts and Charities as at 30 June 2017.

Lead Contact Officer(s): **Mike Fleming**
Telephone No: **0121 464 9124**

E-mail address: **Mike.fleming@birmingham.gov.uk**

Consultation

Consultation should include those that have an interest in the decisions recommended

Internal

The Chairman of the Committee has been consulted in the preparation of this report.

External

N/A

Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

N/A

Financial Implications

(How will decisions be carried out within existing finances and Resources?)

The financial information provided relates to balances brought forward from previous years and in year movements in expenditure and income.

The opening balance as at the 1 April 2017 was £28.583m. Income for the quarter was £0.442m, expenditure £0.172 and gains on investments amounted to £0.037m. At the end of the quarter 1 (up to 30 June 2017) the closing balance stands at £28.889m.

An analysis of income and expenditure for each Trust Fund is shown in Appendix 1.

Legal Implications

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, other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing which 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 expedient in 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.

Public Sector Equality Duty (see separate guidance note)

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.

Relevant background/chronology of key events:

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.

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.

This is the first report in the quarterly series for 2017/18. The information provided in Appendix 1 identifies income and expenditure for the period ending 30th June 2017.

Evaluation of alternative option(s):

Alternative options are not appropriate for this report.

Reasons for Decision(s):

To ensure the Committee is aware of the current financial position for Trusts and Charities.

Signatures

Date

Interim Chief Finance Officer

Chairman

List of Background Documents used to compile this Report:

Information provided by Directorates'

List of Appendices accompanying this Report (if any):

Appendix 1 - Quarter 1 Position 2017-18 Trust Funds.

Report Version

Dated

2017/18 Trust Funds Balances - Quarter 1 June 2017

Scheme	Directorate	Opening Balance 1.4.17	Income	Expend	Investments Gains (+) Losses (-)	Closing Balance 30.6.17	(F)			(G)			(H)			(I)			(J)			(K)			(L)			(M)			
							(F)			(G)			(H)			(I)			(J)			(K)			(L)						
							Cash	Investments	Land & Buildings	Total	Cash	Investments	Land & Buildings	Total	Cash	Investments	Land & Buildings	Total	Cash	Investments	Land & Buildings	Total	Cash	Investments	Land & Buildings	Total	Cash		Investments	Land & Buildings	Total
Sole Corporate Trustee																															
Harriet Louisa Loxton Trust	People	1,829,848	12,106	5,857	16,362	1,852,459	27,465	199,596	0	227,061	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,825,398
Cropwood	People	14,774,336	278,032	0	(7,426)	15,044,942	0	78,597	14,450,000	14,528,597	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	516,345
LA Jones	Place	74,420	1,127	300	0	75,248	0	41,737	33,511	75,248	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Charles Baker Trust	Place	247,762	2,102	523	107	249,448	0	193,448	0	193,448	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	56,000
Elford	Place	3,458,752	6,798	956	13,369	3,477,963	0	148,420	0	148,420	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,329,543
Highbury Trust	Economy	2,009,314	100	43,000	0	1,966,414	0	0	0	0	0	0	0	0	0	0	0	0	23,050	138,364	1,805,000	1,966,414	0	0	0	0	0	0	0	0	1,966,414
Birmingham Municipal Charity	Economy	427,567	3,209	5,000	0	425,776	54,954	0	0	54,954	0	0	0	0	0	0	0	0	0	370,822	1,805,000	1,805,000	370,822	0	0	0	0	0	0	0	370,822
Centre for the Child	Place	33,173	0	0	0	33,173	(150)	33,323	0	33,173	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Total Sole Corporate Trustee		22,855,172	303,475	55,636	22,412	23,125,423	82,269	695,120	14,483,511	15,260,900	0	302,396	0	302,396	0	0	0	0	23,050	3,830,472	4,211,000	7,864,522	23,050	3,830,472	4,211,000	7,864,522	23,050	3,830,472	4,211,000	7,864,522	7,864,522
Custodian Trustee																															
Clare Martineau	People	3,983,136	76,895	0	0	4,060,031	0	302,396	0	302,396	0	0	0	0	0	0	0	0	0	3,757,635	4,211,000	4,211,000	3,757,635	0	3,757,635	4,211,000	3,757,635	0	3,757,635	4,211,000	3,757,635
Bodenham	People	659,381	5,542	13,625	0	651,298	9,193	52,132	0	101,325	0	0	0	0	0	0	0	0	0	549,973	4,211,000	4,211,000	549,973	0	549,973	4,211,000	549,973	0	549,973	4,211,000	549,973
CB & AB Hollinsworth Fund of Help	People	202,704	1,693	600	14,566	218,363	32,484	0	0	32,484	0	0	0	0	0	0	0	0	0	185,879	4,211,000	4,211,000	185,879	0	185,879	4,211,000	185,879	0	185,879	4,211,000	185,879
Jane Kate Gilbert	People	43,443	661	30	0	44,074	5,729	0	0	5,729	0	0	0	0	0	0	0	0	0	38,345	4,211,000	4,211,000	38,345	0	38,345	4,211,000	38,345	0	38,345	4,211,000	38,345
Alderson	Place	430,341	30,809	30,809	0	430,341	0	134,315	288,216	422,531	0	0	0	0	0	0	0	0	0	0	4,211,000	4,211,000	0	0	0	0	0	0	0	0	7,810
Moseley Road Friends Institute	Place	230,200	11,315	14,421	0	227,094	0	0	0	0	0	0	0	0	0	0	0	0	(3,106)	0	230,200	227,094	(3,106)	0	230,200	227,094	(3,106)	0	230,200	227,094	227,094
Lord Mayor of Birmingham's Charity	Economy	135,890	10,837	56,828	(38)	89,861	55,396	0	0	55,396	0	0	0	0	0	0	0	0	0	34,465	4,211,000	4,211,000	34,465	0	34,465	4,211,000	34,465	0	34,465	4,211,000	34,465
Sir Whitworth Wallis	Economy	40,821	338	15	0	41,144	2,096	0	0	2,096	0	0	0	0	0	0	0	0	0	39,048	4,211,000	4,211,000	39,048	0	39,048	4,211,000	39,048	0	39,048	4,211,000	39,048
John Billingsley the Elder	Economy	2,123	3	0	0	2,126	2,126	0	0	2,126	0	0	0	0	0	0	0	0	0	0	4,211,000	4,211,000	0	0	0	0	0	0	0	0	0
Sub-Total Custodian Trustee		5,728,039	138,094	116,329	14,528	5,764,332	107,025	528,843	288,216	924,083	0	302,396	0	302,396	0	0	0	0	(3,106)	4,605,345	238,010	4,840,249	(3,106)	4,605,345	238,010	4,840,249	(3,106)	4,605,345	238,010	4,840,249	4,840,249
Total		28,583,211	441,569	171,965	36,940	28,889,755	189,294	1,223,963	14,771,727	16,184,984	0	302,396	0	302,396	0	0	0	0	19,944,00	8,235,817	4,449,010	12,704,771	19,944,00	8,235,817	4,449,010	12,704,771	19,944,00	8,235,817	4,449,010	12,704,771	12,704,771

