

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 21 SEPTEMBER 2016

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 21 SEPTEMBER 2016
AT 1030 HOURS IN COMMITTEE ROOM 6,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors Mick Finnegan; Mariam Khan; David Pears and Paul Tilsley.

OFFICERS PRESENT:- Sanjeev Bhopal – Committee Lawyer
Nigel Oliver – Birmingham Property Services
Mark Szurminski – Finance and Legal Services
Sarah Stride – Committee Manager

NOTICE OF RECORDING

848 The Chairman noted that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES

849 Apologies were submitted on behalf of Councillors John Alden, Ian Cruise and James McKay for their inability to attend the meeting.

MINUTES

850 **RESOLVED:-**

That part I of the Minutes of the last meeting of the Trusts and Charities Committee held on 20 July 2016 was noted.

MATTERS ARISING FROM THE MINUTES

851 There were no matters arising from the Minutes.

REVENUE BUDGET MONITORING 2016/17 – QUARTER 1 (TO 30 JUNE 2016)

The following amended report from the Strategic Director Finance and Legal Services was circulated at the meeting:-

(See Document No. 1)

Mark Szurminski introduced the report and responded appropriately to comments from Members.

It was suggested and approved by the Chairman that the CCLA be invited to attend the Trusts and Charities meeting in December to give an update report on trust investments for the first half of this financial year.

It was -

852

RESOLVED:-

- i) That the latest income and expenditure position of Trusts and Charities as at 30 June 2016 be noted;
- ii) That officer's be requested to invite CCLA to a future meeting to give an update report on trusts investments for the first half of this financial year.

BURBURY PARK – CHARITY COMMISSION REGISTRATION NUMBER 1076676 – DISPOSAL OF LODGE

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

(See Document No. 2)

Nigel Oliver introduced the report and responded appropriately to Members questions.

He advised that a future report, outlining all options available will be submitted to this Committee once the powers of disposal have been assessed.

A brief discussion ensued and it was –

853

RESOLVED:-

- (i) The Committee noted that Burbury Park Lodge (the 'Lodge') will be vacant on the retirement of the current Birmingham City Council employee;
- (ii) That approval be given for an application to be made to the Charity Commission to obtain appropriate powers for the better management of the trust holdings including power of disposal by

Charity Commission Scheme, and/or seek an Order from the Commission sanctioning the disposal of designated land;

- (iii) Agreed that a recommendation from the Trusts and Charities Committee be submitted to a future meeting of the Council as Trustee for approval once it is determined by the Trust, that it is expedient in the interests of the Charity to dispose of the Lodge;
- (iv) Delegated authority to the Director of Property to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the Lodge;
- (v) Authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary documentation including the applications to the Charity Commission to give effect to the above and to inform the Trusts and Charities Committee of the results of the applications and consultation.

SURRENDER AND RENEWAL OF LEASE OF PLAYING FIELD FOR HOWARD PRIMARY SCHOOL (THE ELFORD ESTATE CHARITY – REG. No. 1000692)

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

(See Document No. 3)

Nigel Oliver introduced the report and highlighted the salient points.

Members discussed the options available at length and it was -

854

RESOLVED:-

- (i) That approval be given to the proposal to accept either the surrender of the existing lease and grant a new lease of up to 14th May 2089 or the grant of a reversionary lease up to the same date”
- (ii) that approval be given to the terms of any disposal being negotiated and agreed by the Director of Property acting as agent on behalf of the Trust;
- (iii) Authorised the recommendations of the Trusts and Charities Committee to be advanced to a future meeting of the Council as Trustee for approval;
- (iv) Authorised that if any further approval necessary is sought of the Charity Commission or other party or body as appropriate and to agree to make any applications necessary for appropriate powers of disposal;

- (v) Authorised the City Solicitor to place any formal advertisements required under section 123 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;
 - (vi) Authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions.
-

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted;-

(See document No. 4)

It was -

855

RESOLVED:-

That Outstanding Minute No.s 571 and 813 be discharged and that all other remaining Outstanding Minutes be continued.

OTHER URGENT BUSINESS

856

A. Highbury Trust – Heads of Terms of Agreement

The Chairman questioned whether the Heads of Terms of Agreement was to be determined before 10 October 2016.

Sanjeev Bhopal advised that discussions have taken place and he felt that something will be put in place prior to 10 October 2016. Management of the Highbury Estate will be transferred to an independent charity.

The Chairman requested that the Chairman of the Chamberlain Highbury Trust be invited to attend the next meeting of the Trusts and Charities Committee to give a verbal update on status and also an update concerning the Heritage lottery Bid.

Sanjeev Bhopal made reference to an email received on 15 September 2016 and read the following statement from that email FROM Simon Buteux, Birmingham Conservation Trust:

‘As expected, Les is happy for me to share the correspondence from the Charity Commission. We are confident that the questions asked by the Charity Commission can be given satisfactory answers, leading to registration of the Chamberlain Highbury Trust is due course. I would draw your attention particularly to question 2, concerning ownership. In order to respond

adequately to this question, I feel that we do need to make progress with the heads of terms for the lease. Please note the deadline of 25 October to respond to the Charity Commission.

For your progress report to the Trusts and Charities Committee, in addition to noting the success of the Heritage Open Day and the progress with the Charity Commission, you may also wish to note that (following open advertisement and a rigorous selection process) the Chamberlain Highbury Trust has appointed Jeremy Stone of Greenwoods as its Project Manager (on a fee basis), to take forward the application to the Heritage Lottery Fund for grant support of just under £5 million. The trust has also taken out appropriate Trustee Liability, Public Liability and Employer's Liability insurance for its activities at present (although the trust has no employees at present, the Employer's Liability insurance is needed to cover its volunteers)'.

857 **B. Mark Szurminski – Voluntary Redundancy**

The Chairman advised that this meeting was Mark's last meeting as he was leaving the City Council and taking voluntary redundancy. He wished him well in his future. Members echoed comments made and thanked him for all his support after 38 year in Local Government.

AUTHORITY TO CHAIRMAN AND OFFICERS

858 **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

859 **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
