

BIRMINGHAM CITY COUNCIL - "COUNCIL AS TRUSTEE"**PUBLIC REPORT**

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Interim Executive Director for Education
Date of Decision:	20th April 2016
SUBJECT:	CROPWOOD TRUST – THE STABLES, SPIREHOUSE LANE, BLACKWELL, BROMSGROVE, B60 1QE
Key Decision: No	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member:	N/A
Relevant O&S Chairman:	N/A
Wards affected:	Outside Birmingham

1. Purpose of report:

- 1.1 To update the Committee on matters relating to The Stables, which is part of the Cropwood Estate, Registered Charity No. 1085296.
- 1.2 This matter was not included in the Forward Plan because the governance of Charitable Trusts does not give rise to any "key" decisions.

2. Decision(s) recommended:

- 2.1 To approve the incorporation of The Stables building into the general Cropwood portfolio of buildings currently occupied by Hunters Hill School, thus enabling the school to start re-providing outdoor learning education which meets the objectives of the Charity.
- 2.2 To instruct officers in Legal Services and Corporate Finance to take all necessary steps to facilitate the transfer of The Stables to the general Cropwood portfolio of school buildings.

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3. Consultation

Internal

Councillor Brigid Jones, the Cabinet Member for Children's Services, and The Chairman of the Committee were consulted on the preparation of this report.

External

N/A

4. Compliance Issues

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

The objects/purposes of the Council's charitable trusts, all have a commonality, namely for the benefit of the citizens of Birmingham. This is consistent with the Council's Policies, Plans and Strategies which are focused on "fair, democratic and prosperous Birmingham." The specific objects of the Cropwood Estate trust are wide ranging and are: the furtherance of any charitable purpose for the benefit of the inhabitants of the city of Birmingham including all or any of the following purposes (a) the provision and support of educational facilities (b) the provision and support of facilities for recreational and other leisure time occupation with the object of improving the conditions of life for the said inhabitants (c) the relief of the aged, impotent and poor (d) the relief of sickness.

4.2 Financial Implications

See paragraph 5.7.

4.3 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 gives 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 main area of land comprising the Cropwood Estate was gifted to the City by Barrow Cadbury and Mrs Geraldine S Cadbury on 1st June 1921 with a further parcel gifted on 20th May 1938 and is approximately 35 hectares. Land not directly used by the school is let on an agricultural tenancy. The trust is governed by a scheme dated 12th November 1997.

4.4 Public Sector Equality Duty

None. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non- executive functions and are therefore not subject to the Equalities Act 2010 provisions.

5. Relevant background/chronology of key events:

5.1 On 17th March 2014 Cabinet approved the decision to decommission Birmingham City Council's Outdoor Education Service (OED). The Outdoor Education Service had used some of the buildings on the Cropwood Estate, which is part of the Cropwood Trust, known as The Stables.

5.2 Following the closure of OED The Stables was mothballed and Hunters Hill Special School (which is situated opposite The Stables) has managed the empty building on

behalf of Birmingham City Council Education Infrastructure to ensure that the building did not deteriorate or become subject to vandalism.

- 5.3 Hunters Hill is a secondary school for pupils with social, emotional and mental health issues. The school has always played a major part in providing Outdoor Education at The Stables, thus building up their expertise in this particular area.
- 5.4 Recognising the valuable nature of the services that were provided from The Stables for Birmingham pupils, particularly those with a higher level of needs, Hunters Hill School has expressed an interest in re-establishing the outdoor education facility operating from The Stables and to start re-providing a wide range of outside learning opportunities. These would include traditional outdoor adventure activities and camping. In addition the School wish to develop the fields and space adjacent to The Stables to accommodate a range of animal and horticultural programmes as part of a Land Based Studies programme offering academic, vocational and therapeutic benefit for both primary and secondary age children.
- 5.5 Hunters Hill School's Business Case not only renews an important part of Birmingham pupils' education through providing outdoor learning but also plans to extend the offer by becoming a base for a Forest School and would start to run programmes to follow therapeutic wilderness activities in the grounds.
- 5.6 Hunters Hill School propose to develop a sustainable Business Plan that would allow them to open these programmes to all schools in Birmingham and neighbouring authorities, thus allowing the original Cropwood Trust Deed of Gift to be fulfilled - which is essentially that the building, its resources and its environment are there for the benefit and enjoyment of the children of Birmingham.
- 5.7 Hunters Hill School would become responsible for all running costs associated with The Stables. At the present moment minimal running costs e.g. gas, electricity, rates etc. are being funded by the Education Infrastructure Department.
- 5.8 Education Infrastructure fully support Hunters Hill School in this venture and subject to the Trust and Charities Committee agreement, Hunters Hill School is prepared to accept responsibility for The Stables with immediate effect with a view to bringing the building back into use.

6. Evaluation of alternative option(s):

- 6.1 If the Committee determine not to allow Hunters Hill School to use The Stables for outdoor activities, the building will continue to be mothballed and over time the fabric of the building will inevitably start to deteriorate.

7. Reasons for Decision(s):

- 7.1 To approve the awarding of a lease to Hunters Hill School to allow them to occupy The Stables and to start re-providing a wide range of outside learning opportunities.

Signatures:

Chairman of the Trusts & Charities Committee

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Date:

Chief Officer, Legal and Democratic Services

..... Date:

List of Background Documents used to compile this Report:
None

List of Appendices accompanying this Report (if any):
The Stables Estate Site Plan

Report Version	V2	Dated	07/04/16
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