

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

MONDAY, 15 JANUARY 2024 AT 11:30 HOURS
IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES**

To receive any apologies.

3 - 8

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 13 November 2023.

5 **COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA**

To note that no comments have been received from the Commissioner on this agenda.

9 - 18

6 **REPORT OF YOUNG ACTIVE TRAVEL TRUST FUND APPLICATIONS FOR JANUARY 2024**

Report of Assistant Director – Transport and Connectivity.

19 - 28

7 **BIRMINGHAM MUNICIPAL CHARITY – DRAFT PROMOTIONS STRATEGY REPORT**

Report of Director Group & Capital Finance.

29 - 34

8 **HIGHBURY TRUST REPORT – UPDATE ON PROGRESS**

Report of Assistant Director of Corporate Landlord.

9 **DATE AND TIME OF NEXT MEETING**

To note the date of the next meeting is 11 March 2024 at 11:30am in Committee Room 2.

10 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

11 **AUTHORITY TO CHAIR AND OFFICERS**

Chair 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 and any action taken by the Chair under this provision will always be reported back to the Committee at its next scheduled meeting and that no decision can be taken which commits funds that are not in approved estimates.'

BIRMINGHAM CITY COUNCIL

TRUST AND CHARITIES COMMITTEE 13 NOVEMBER 2023

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON MONDAY 13 NOVEMBER 2023
AT 1130 HOURS IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM**

PRESENT: - Councillor Marcus Bernasconi in the Chair.

Councillors Kath Scott, David Pears, Phil Davis, Zafar Iqbal and Basharat Mahmood.

ALSO, PRESENT: -

Paul Ruffle – Senior Travel Demand Officer
Rajesh Parmar – Legal Services
Alison Jarrett – Director of Group and Capital Finance
Nigel Oliver – Operational Property Manager
Sofia Mirza – Committee Services

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NOTICE OF RECORDING

- 1109 It was noted that the meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1110 Councillor Phil Davis declared an interest in matters relating to Chamberlain Highbury Trust although it was not on the agenda as he sits as a Councillor's trustee.

APOLOGIES

- 1111 Councillor Maureen Cornish.

CHAIRS ANNOUNCEMENTS

The Chair announced that there had been changes to membership of the committee. It was noted that Councillors Phil Davis and Zafar Iqbal joined the Committee. Councillor Lisa Trickett was removed from the committee.

5073

MINUTES

1112

The Minutes of the meeting of the Committee held on 12 June 2023, having been circulated, were confirmed by the Committee, and signed by the Chair with amendments to the typo on page 2.

REPORT NO. 6 – YOUNG ACTIVE TRAVEL TRUST GRANTS

The Senior Travel Demand officer presented the report to members on behalf of the Assistant Director of Transport and Connectivity. The officer explained that it was his role to promote safe and sustainable travel to school, to see less congestion outside the school gates, and have less people coming to school in the car whilst promoting a sustainable means of travelling to school.

The school that wished to apply for funding of the grant must have registered to Mode shift stars, which is a national programme funded by the Department of Transport. The programme promotes sustainable travel to school. The school must have completed a school travel survey within 12 months starting from September 2022. The Travel Survey asked two questions of the staff and the pupils: How do you currently travel to school and how would you prefer to travel to school? From the answers of the Travel Survey, the school must have started to write their school travel plan, which shows how they will make changes to the school journeys. Applications were invited from schools during the summer term between the 17th of April to 30th June 2023.

The applications were examined by the assessment panel on 4th July 2023. Members of the panel included Paul Ruffle and Mandy Slater from the Travel Demand Team. The applications were presented to the Transport Highways Group on the 13th of July and the Transport Highways Board on the 21st of July. They were presented to the spending board for approval on 30th October and to the contracts team and the legal services team at the beginning of November before being presented to the Committee.

There are two wards affected with these applications, Grestone Academy in Handsworth Wood and St John and Monica Primary School in Moseley. Both schools have registered for Motive Stars and have both started their school travel plans and therefore meet the criteria. Both schools requested £1000 from the funding. Grestone wanted to use the funding towards school parking and cycle racks. St John and Monica they wanted the funding to go towards child dollies outside the school and bike and scooter parking racks. It was emphasised that if they were to have child dollies, they are intended to be used on the pavement without causing obstruction and are not intended to be used on the highway.

If both applications were successful, it would cost £2000 and it will leave a balance of the fund of £35,836.35 available for future disbursement.

Councillor Davis asked if there are many applications to look at in the next meeting as the number of applications is beginning to fall off. The Senior Travel

Trust and Charities Committee – 13 November 2023

Demand Officer stated that there was one further application for the next meeting.

1113

RESOLVED: -

The report and funding were agreed by members.

REPORT NO. 7 – BIRMINGHAM MUNICIPAL TRUST – OVERVIEW AND UPDATE

A report was provided by the Director of Group and Capital Finance.

The Director stated that the report gives the figures for the charity the year ended 31st March 2022. Those accounts are closed, and it gives the expected amount for 31st March 2023. The Council's accounts are not closed for 2023, but there is no expectation of there being any material difference, therefore both of the years are being presented.

As the Council's accounts were not closed and the audits incomplete, the accounts were not in the format that will be submitted to the Commissioners.

The recommendation asked for by the Commission to the Chair is to sign the accounts off once the Council's audits have been completed and in the correct format. This will then ensure that there is nothing coming from the Council audit that impacts upon the charity accounts. It was not expected for there to be anything but processed and need the accounts to be closed.

The report sets out the figures for 2022 and shows that there is just over £750,000 of the funds and the draft figures. For 31st March 2023 shows just over £760,000 available for the Committee to distribute.

It was stated that the form and the way in which the charity is known to the citizens of Birmingham has not changed in seven years and should be advertised. The committee has set a limit of £10,000 as an award. Once the applications come in, the finance and legal team will audit the application. The applicant will then be checked, ask for sets of accounts and write to them for more information and explain how the process works. The Director recommended that the committee raises awareness of the charity as at present it is currently by word of mouth.

The Committee noted the amount within the accounts at present which was £760,000 and gave authority to the Chair to sign the account off once they are in the correct format and have been audited.

Councillor Pears agreed with the Directors recommendation of advertising the charity. He raised the question of whether the Charities Commission know that we were going to be delayed in submitting the account. The second question that was asked was on page 36.1 there is a figure that says 76,000 and is missing another zero. Furthermore, on page 28 the current assets in March 2022 stood at £640,205 and seem to be the same figure in March 2023. The Director responded and confirmed there was a typo in the figure on page 36.1 which should read £760,000 which will be amended. Furthermore,

Trust and Charities Committee – 13 November 2023

the net asset amount is correct, the bulk of the funds on the deposit is held, so there is a better income than if they were held in the Council accounts. This year there was £12,000 income on interest which goes into an unrestricted account and is held until the accounts are closed. Once the accounts are closed there is an option to move more into the investment fund and look to see what interest rates are available. The Director further stated that if we were to advertise the fund more often and look for some more applicants there may be a further need for more money. The director stated that she will speak to Treasury colleagues and look at the best way to get the best level of interest.

The Director stated that there are a number of charities that are in exactly the same position and were contacted to explain that the closure of last years accounts was a nation audit issue which has had ramifications for Birmingham. The charities commission was contacted and explained that a number of our charity's funds needed audit but were not able to as the auditors wanted the Council's accounts closed, therefore the accounts show as late. As soon as the Council's accounts are closed the funds will be ready to put in.

Councillor Davis commented on the speed of which the money is being taken out to benefit the citizens of Birmingham. Having a low access by the citizens of Birmingham and the absence of a website is an issue as people find out about it through members of the committee. Councillor Davis stated that a healthier position would be to reduce the funds to be able to access the prime funds and transfer money across. He further stated that he would like to see an active process of communicating the fact that the fund exists to all Council members and the wider networks in the community, interest companies and non-profits and those are the people that should be regularly reminded that this fund exists.

The Chair echoed the comments made by Councillor Davis and said that there should be a plan or target for dispensing the funds and ensuring they are well advertised. The Chair was interested in seeing a report in January committee meeting that outlines how the fund is better advertised and how those funds are dispensed which may include having a website.

1114

RESOLVED: -

It was agreed by the Committee that the figure on 6.1 was amended to reflect the true balance in the accounts. The Committee noted the balance of the accounts and agreed to give the Chair authority to sign off the accounts following Council audit process.

REPORT NO. 8 – BIRMINGHAM MUNICIPAL CHARITY - APPLICATIONS FOR GRANT FUNDING

The Director stated that there was an application from an organisation charity called Make them Smile and are based in Grimsby. They act for children in special educational needs across the country. They have requested a donation of any amount to provide learning stations and achieve what is

Trust and Charities Committee – 13 November 2023

effectively a chair bed that enables children with autism, down syndrome and spinal cord injuries to function in a classroom type setting. They are adjustable and mobile therapy beds, and it means the child can have a functional position with their arms free to see what they are doing and participate more and become more integrated in classroom activities.

The learning station costs £8229 which includes the VAT. We cannot fund VAT so we would go back to the organisation and reminded to support and check how they were purchasing it. They want to provide the therapy bed for the school. They have 229 pupils from the ages of 2 to 25. This would not be a bed dedicated to one person; it would be used by a number of pupils during the day.

The Chair noted that for future committee meetings an invitation was to be extended to the organisational charity requesting the grant so they could speak and answer and particular questions or concerns regarding the application.

Councillor Pears raised that it doesn't state in the report how much money the charity has themselves. Providing the information would allow the committee to see how long the charity has to sustain themselves. Councillor Pears asked the Director to comment on what they have to sustain themselves. The Director replied that they raise funds around the country so they will raise funds in a local area and don't necessarily use their own funds for large purchases. Effectively they are a fundraising charity that then spends either schools or for individuals who might need a specialist piece of equipment. It is within the committee's discretion of making the full amount as a donation or a percentage of it.

Councillor Scott raised the question of why a Birmingham School is going outside of Birmingham to apply for funds within Birmingham. Secondly if the charity is based in Grimsby and are a fund-based organisation where they apply for funds on behalf of other people, are part of the funds that are going to be given to them paying for them to deliver this service and if so, what would be that percentage of the funding. The Director replied and stated that the entire amount would go for the piece of equipment, we would require them to purchase through the school and the school would submit the invoice and once that has been checked the exact amount of funds would be released not including any VAT. The school is also required to demonstrate that they can fully maintain the equipment, they would be expected to service and maintain it and we would only pay out on invoices.

Councillor Pears asked if there are any further applications, can the committee have the financial information in future as well as people's wages so a clearer picture can be formed. The Chair agreed with Councillor Pears comments and asked the Director if this could be looked at when putting together a business plan for the Birmingham Municipal Charity.

1113

RESOLVED: -

It was agreed by members to approve the funding in full.

DATE AND TIME OF NEXT MEETING

The committee noted the date of the next meeting is 15 January 2023
11:30AM in Committee Room 2.

OTHER URGENT BUSINESS

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

1114

RESOLVED: -

That in an urgent situation between meetings the Chair, jointly with the relevant
Chief Officer has authority to act on behalf of the Committee.

The meeting ended 1044 hours.

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CHAIR

Birmingham City Council

Trusts and Charities Committee

Monday 15th January 2024



Subject: Young Active Travel Trust Fund

Report of: Philip Edwards,
Assistant Director – Transport and Connectivity

Report author: Paul Ruffle
Senior Travel Demand Officer
paul.ruffle@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

To seek the approval of the Committee to the application for funding from the Young Active Travel in Birmingham Charitable Trust, as set out below.

To update the Committee about the Trust's financial position as of 15th January 2024.

2 Recommendation(s)

2.1 That the Committee:

Approves the application for funding from the school listed at point 4.3 below, totalling £1,000.

Notes the remaining balance of £34,836.35 available to the Young Active Travel in Birmingham Charitable Trust for future disbursement.

3 Background

- 3.1 At its meeting on 13 September 2016 Council-as-Trustee approved the formation of the Young Active Travel Trust.
- 3.2 Council-as-Trustee further resolved to instruct officers to register the Trust as a charitable organisation with the Charities Commission. As with any other charitable trust where the Council is sole corporate trustee, the responsibility for the day-to-day management of the trust is delegated by Council to the Trusts and Charities Committee.
- 3.3 At its meeting on 14 December 2016 this Committee (Trusts & Charities) approved the Mechanism of Funding Protocol which set out the management arrangements for the Young Active Travel Trust and the criteria against which applications for funding would be assessed (Appendix 1).

The Trustee secured the sum of £100,000 as the initial fund to be applied in furthering the objects and purposes of the Charity. This income is available for immediate use. This is comprised of a contribution of £75,000 from the City Council and £25,000 sponsorship from Churchill Insurance.

Purpose of the Trust

- 3.4 The Council's Young Active Travel initiative aims to pull together cross-cutting policy objectives around improving children's health, achieving "behaviour change" around transport choices, and addressing environmental and road safety concerns. It seeks to encourage parents and pupils to adopt more sustainable ways of travelling to school and to reduce car journeys, improving not only their own health but that of the wider community – with reduced road danger, less air pollution from cars, and less traffic congestion in local neighbourhoods – particularly around school gates.
- 3.5 The purpose of the Trust is set out in the Deed as follows:

The objects and purposes of the Charity are to preserve and protect public health, particularly the health of school children in Birmingham by: -

- I. supporting initiatives which raise awareness about road safety, health, exercise, and fitness.*
- II. changing behaviours towards travel to school*

4 Options considered and Recommended Proposal

4.1 Applications for Funding

- 4.2 1 application has been received and assessed against the criteria set out in Appendix 1. This application meets the criteria set out in Appendix 1 and is recommended to the Committee for approval as a scheme to further the objectives of the Charity. The application is attached at Appendix 2.

School Name	MSS Registered	MSS Travel Plan	Project	No. of Pupils	Amount Requested (£)
Kings Norton Boys School	Yes	Completed	Bike Repair Station	720	1000.00

- 4.3. The recommended application totals £1,000.00 and if approved would leave the Trust with remaining resources of £34,836.35.

5 Legal Implications

- 5.1 The funding recommendations proposed in this report are in furtherance of the objects and purposes of the Young Active Travel Trust.

6 Financial Implications

- 6.1 The recommended application total £1,000.00 and approved would leave the Trust with remaining resources of £34,836.35.
- 6.2 This report was approved by the Directorate Spend Control Board on 6th December 2023.
- 6.3 This report was approved by the S151 or Workforce Board on 7th December 2023.

7 Public Sector Equality Duty

7.1 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.

8 Background Papers

None

9 Appendices

List of Appendices:
<p>Appendix 1 – (Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity.</p> <p>Appendix 2 – Funding Application attached as separate document</p>
List of Background Documents used to compile this Report:
<p>Report to Trusts & Charities Committee/Council-as-Trustee – Formation of the Young Active Travel Trust 13 September 2016</p> <p>Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity</p>

Appendix 1

(Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity; Appendix 3 Mechanics of Grant Funding Protocol

- To be eligible to apply for a grant, schools must be located within the geographic boundary of Birmingham City Council. Alternatively, constituted groups of parents of children attending these schools will also be eligible to apply.
- Up to £1,000 per application, or school in the case of collective bids, will be available for projects that meet one or more of the criteria set out below.
- Applications may be made for revenue or capital schemes but if it is the latter, the applicant will need to resource any on-going maintenance liability that may be created.

Subject to the above, priority will be given to funding proposals where:

- a) the school has an on-going commitment to promoting safe and sustainable travel through actions within their ModeShift STARS (on-line programme) travel plan. In Particular -
 - The school MUST have registered to Modeshift STARS
 - The school MUST have completed at least 1 school travel survey for both staff and pupils within the previous 12 months of the application.
 - The school MUST have started a School Travel Plan.
- b) there is a link between the proposal and actions contained within the ModeShift STARS travel plan, for example, to achieve behaviour change to more sustainable modes of travel to and from schools.
- c) it is expected that the proposal will result in a reduction in parking congestion around school gates.
- d) there is a linkage to existing initiatives led by the Council or its partners, for example, Bikeability (cycle training), Birmingham Big Bikes Bike Library or family cycle centres, or Birmingham Cycle revolution infrastructure investment.
- e) there is connectivity with other children's health and well-being programmes and activities; or local environmental initiatives.
- f) consideration has been given to the legacy of the initiative or activity to ensure sustainability beyond the life of the grant funding, for example, through parent's groups or the School Council

10 The Trust cannot:

- Award grants in excess of £1,000 to a single institution or group.
- Award more than one grant to the same school in less than 36 months.
- Award grants for things that have already been paid for.
- Fund initiatives or measures for which there is a free of charge alternative, for example, Think Road Safety resources, or other local funding source.
- Fund schemes for which Top Cycle Location Grants are available or have been awarded in 2016/17 or 2017/18



Young Active Travel Trust: Grant Funding APPLICATION FORM

Please email the completed form to **connected@birmingham.gov.uk**

Name of School(s)	Kings Norton Boys School
Name of Head Teacher(s)	David Clayton
Project Title	Purchase of a Bike repair station
Type of Applicant	School
Name of Lead Applicant	Ben Julian
Email address	b.julkian@knbs.co.uk
Telephone number	0121 628 0010
BCC / External School	BCC School
(If BCC) Oracle Code	AV038

Signature of Head Teacher <i>(for a group of schools, only one signature is required)</i>	David Clayton
Name	David Clayton
Date	04/09/2023

Signature of Lead Applicant	Ben Julian
Name	Ben Julian
Date	04/09/2023

About Your Project

1. Please describe the project you are asking for grant funding to undertake.

Please refer to the guidance notes for information about what sort of projects will be given priority.

As part of our curriculum, we encourage all students to take up Bikeability training to enable them to ride their bikes to school safely. This is offered as part of our outdoor learning curriculum and delivered in house by our school staff on our school site.

We have seen an increase in cycling to school over the years and have had cycle storage fitted a couple of years ago. This bike repair stand would make a great addition to the cycle facilities we can offer our students.

Enabling more students to think about cycling to school as we have great facilities on site to repair their bikes should a break down happen on their journey.

2. What you will spend the grant funding on?

We would like to apply for funding to purchase a bike repair stand which is an ideal resource for supporting our cyclists and encouraging cycling uptake.

The stand will make common bike maintenance tasks accessible to all. It has mounting arms with protective sleeves to support the bike, allowing the wheels and the pedals to turn. Great for adjusting gears, finding punctures, or fixing problems with the chain.

<https://cyclehoop.com/product/deluxe-bike-repair-station-and-pump-bundle/>

A set of high specification tools are attached to the stand to enable our pupils to access the right tools to repair their bike.

This will be a great resource to have fitted in or around our bike storage area to enable all our cyclist to access this stand to repair their bikes if needed.

If there is some funding left over could purchase a track pump to attached to the station and some inner tubes or puncture repair kits

3. What benefits do you expect to result from the project?

This would make a great piece of equipment for our student who could then learn some basic bike maintenance skills. Then explore what tools are on the station and what they come in handy for when repairing their bike.

Again, it would help promote cycling to school for all students and perhaps reduce barriers if they were to breakdown on their journey to school. Do they have the tools or skill to repair enabling them to ride home.

Having it all on the stand with the tools attached enables the students to access the tools all the time and don't have to request them. We don't have to provide storage and check tools have been returned after use. Enabling students to share their knowledge among their peers when they are together in the bike storage area.

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4. What positive legacy will the project have on the school or wider community and what will happen when the grant funding stops?

This enables all our students to access the bike repair stand and the tools that are attached. We can promote this as part of our cycle storage offer.

This would stop potential barriers to cycling to school if students don't wish to carry tools. Again, as part of the curriculum studies we could discuss the bike repair station and the tools attached to them. Perhaps run some simple basic bike maintenance sessions.

There are replacement tools if they should wear over time, we hold some fund-raising activities in school during the year. We could add this to our list to support maintenance of the bike stand. As well some basic other items such as inner tubes and track pump. We don't wish to purchase one with a pump integral as we hear they can break down regular and are expensive to repair.

We could promote that pupils take care when using the tools and perhaps have a group of pupils to maintain this and promote this out as well fund raise.

5. How does this project connect with your Modeshift STARS Travel Plan?

Please note funding is only available to schools who have committed to developing school travel plans through the on-line Modeshift STARS programme; or schools who will commit to registering on Modeshift STARS and achieving bronze level within 12 months (from date of award of grant).

We have pulled a travel plan together and have continued to maintain our bronze award. This year we have been involved in the production of a cycling video that promotes cycling to school for secondary age in partnership with Birmingham City Council.

We have in our plan number activities that promote cycling and training. The bike repair station would be another step to encourage more students to think about cycling to school.

6. Estimated project start date

01/04/2024

7. Estimated project completion date

19/07/2024

8. Approximately how many pupils will be involved in this project?

720

9. Estimated total cost of the project

£1000

10. Amount of Grant funding sought

£1000

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Evaluation

11. Please explain how you intend to evaluate the impact of the project and how you will measure success?

Students will take part in surveys to measure usage and on-going development of the bike area. Observations will be carried out to ensure they are maintained and are being used at what times by students.

The Eco-Travel team (student leadership) will carry these out as an ongoing school travel development plan.

Grant applications will be assessed and presented for determination to the Trusts and Charities Committee, as sole corporate trustee of the Young Active Travel Trust.

Details of your application may be referred to in publicly available committee reports, along with subsequent feedback or evaluations of any schemes funded by the Trust. Please indicate below your acceptance:

☒ I accept

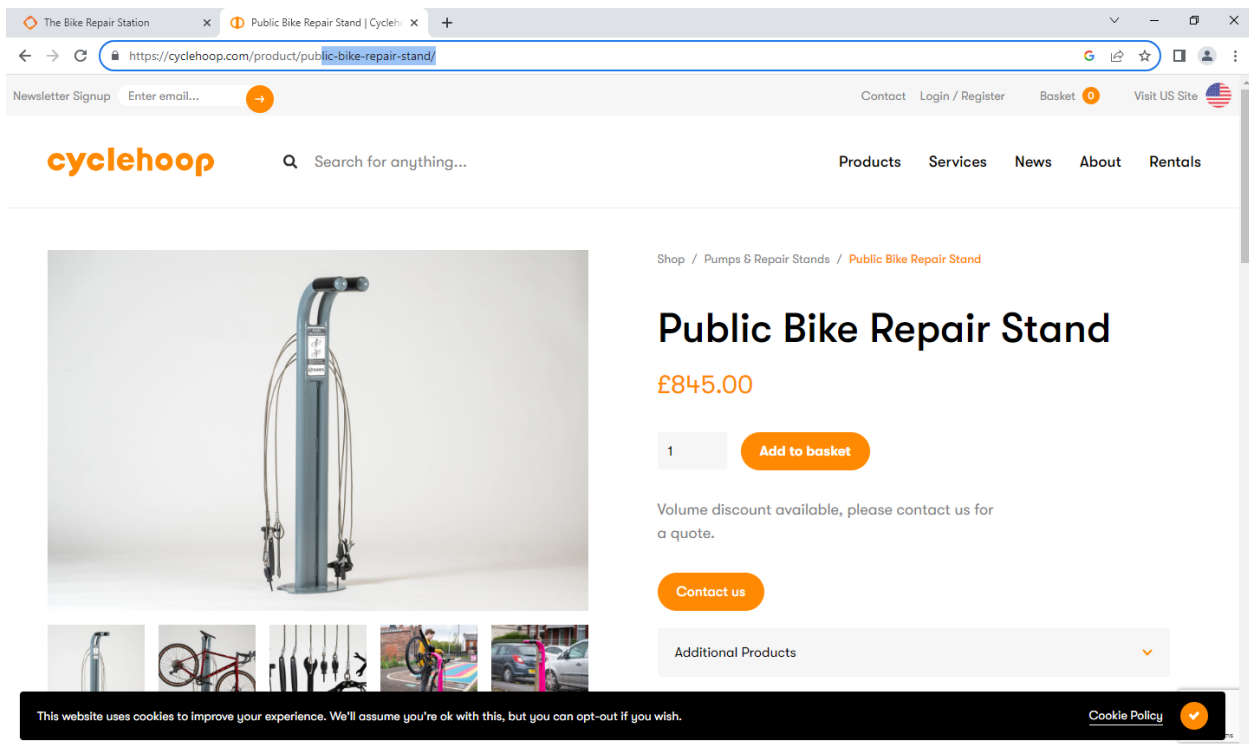
**Please email the completed form to
connected@birmingham.gov.uk**

Queries about the application process should also be directed to connected@birmingham.gov.uk

Official use only

Date received	Click here to enter a date.
Approved	Choose an item.
Reasons	Click here to enter text.
Amount of grant awarded	Click here to enter text.

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Birmingham City Council

Trusts and Charities Committee

15 January 2024



Subject: Birmingham Municipal Charity – Draft Promotions Strategy

Report of: Director of Group & Capital Finance, Deputy s151

Report author: Alison Jarrett, Director Group & Capital Finance, Deputy s151

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 To propose a draft promotions strategy to the Committee in order to increase the number of awards made from the Birmingham Municipal Charity (BMC) in support of its terms and objectives.

2 Recommendation(s)

That the Committee:

- 2.1 Notes the draft strategy set out in Appendix 1, raises any additional items for discussion, further work, amendment or inclusion and agrees a timeline for adoption of all or some of the content.
- 2.2 Notes the draft updated application form at Appendix 2 and approves amendments following on from the discussion of the Draft Strategy at Appendix 1.
- 2.3 Notes, that in line with the Charity's Objects and Purposes, any costs associated with administration of the Charity and the promotion of it will be charged to the Charity.
- 2.4 Authorise the Interim City Solicitor & Monitoring Officer and Director of Group & Capital Finance or their delegates to update conditions of grant agreement and all contributory documentation to reflect updated BMC award terms and conditions.

3 Background

- 3.1 The Birmingham Municipal Charity was established by a Trust deed dated 9 June 2011 by Birmingham City Council. This deed amalgamated 57 small and dormant trusts holding a total balance of £241,349 in a single charitable trust. The BMC balance now stands at £760k and earns income from interest on deposits.
- 3.2 The Objects and Purposes of the Charity are to fund general charitable activity, for the benefit, and on behalf, of the citizens of Birmingham. The Trustee must use the income, and may use the capital of the Charity in promoting the Objects and Purposes of the Charity.
- 3.3 At its meeting on 13 November, 2023, the Committee discussed the number of applications coming forward for grant funding from the BMC and how the Council as Trustee made the citizens of Birmingham who may be eligible for assistance aware of the Charity's existence. Officers were requested to provide a draft proposal of how this might be improved.
- 3.4 A draft promotional strategy is provided at Appendix 1 for the Committee to consider the actions it wishes to take forward and how an updated application process may reflect any changes proposed, noting that all proposals will be remain within and targeted to deliver the Objects and Purposes of the Charity. Appendix 2 is an application form to be updated with any changes arising from the discussion of the strategy.
- 3.5 Certain changes, if proposed, for example to the amount of funds to be transferred annually from ringfenced to un-ringfenced funds, the award caps and annual spend limits will need to form the basis of a separate decision report.

4 Options considered and Recommended Proposal

- 4.1 The Committee may retain the position at present with little active promotion of the Charity. This is not recommended as it is not in the spirit of the Trustee intentions on consolidation of the various charitable funds nor does it seek to actively follow the Objects and Purpose of the BMC.
- 4.2 There are clear benefits to implementing an active promotions strategy albeit there may be a rise in expectation and applications beyond a sustainable annual limit. Should this arise then consideration of prioritisation and structured timing will be considered.

5 Legal Implications

- 5.1 The City Council acts as Sole Corporate Trustee for the Birmingham Municipal Charity. The Trustee has powers which may be exercised only in promoting the Objects and Purposes in line with the Charities Act 2011.

6 Financial Implications

- 6.1 The Committee has responsibility for ensuring the proper governance of the BMC in accordance with the objects and purposes of the trust and charity law and as Trustees to ensure that actions are undertaken within financial resources.
- 6.2 Any decision or action that increases the amounts awarded as grants will be mindful of affordability of the fund and prioritisation if oversubscribed. A proposal within the strategy seeks to allocate funding across the year, however this is for the board to consider, mindful of the Objects and Purposes.
- 6.3 Resources to facilitate the Charity are currently charged annually to BMC. As this work increases this resource recharge is likely to increase accordingly. An estimate of this resource will follow the assessment of the strategy for implementation, acknowledging that it has to be proportionate and reasonable, but will reflect actual costs incurred.

7 Public Sector Equality Duty

- 7.1 The statutory functions discharged by the trustees through the Council as Trustee and the Trusts & Charities Committee 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.

8 Background Papers

- 8.1 none

9 Appendices

- 9.1 Appendix 1 – Draft Promotions Strategy
- 9.2 Appendix 2 – Application Form

Appendix 1

Birmingham Municipal Charity

Strategy Proposal to Increase Activity and Ensure the Charity Meets its Objectives and Purpose

1 Background

The Birmingham Municipal Charity was established by a Trust deed dated 9 June 2011 by Birmingham City Council. This deed amalgamated 57 small and dormant trusts holding a total balance of £241,349 into a single charitable trust.

The Objects and Purposes of the Charity are to fund general charitable activity, for the benefit, and on behalf, of the citizens of Birmingham. The Trustee must use the income, and may use the capital of the Charity in promoting the Objects and Purposes of the Charity.

2 Trustee Powers

The Trustee has powers which may be exercised only in promoting the Objects and Purposes, they include those set out below:

- To promote or carry out research
- To provide advice
- To publish or distribute information
- To co-operate with other bodies
- To support, administer or set up other charities
- To raise funds (but not by mean of taxable trading)
- To make grants or loans of money and to give guarantees
- To set aside funds for special purpose or as reserves against future expenditure
- To employ paid or unpaid agents, staff or advisors
- To pay the costs of forming the Charity

The above provides the committee with the ability to seek advice or support in marketing. This would however raise the risk that the spend creates too much interest that cannot be serviced. Any such spend would need to evidence value for money to the Committee.

3 Birmingham Municipal Charity Activity to Date

BMC holds over £760,000 total balances at the end of financial year 2023. The funds are split into restricted and unrestricted. Restricted are those amounts held in trust ostensibly as endowment funds in order to earn interest for distribution,

ultimately to be used for the objects and purposes of the charity. In 2016, a resolution was passed at Trusts and Charities Committee that an annual amount of up to £25,000 would be moved from restricted funds to unrestricted funds, subject to Charity Commission approval, for distribution if required to top up the interest earned on balances. The interest earned on the restricted funds, plus any transfers make up the unrestricted funds which are used for charity expenses as well as for distribution in grant form. Where the full £25,000 is not distributed in any one year then it is netted off the transfer from the endowment in the following year, i.e should only £10k be distributed in one year then in the next only £15k will be transferred out of restricted funds to unrestricted.

For the past 5 years no more than £10,000 has been distributed in any one year. In 2023/24 to date two awards have been made totalling £16,000 (subject to submission of invoices), each in excess of £5,000. This reflects the low number of applicants and resources available to process and report these in a timely manner.

4 Marketing of the Fund

4.1 Purpose of marketing:

- To reach more potential applicants
- To target groups or type of applicants
- To maximise use of unrestricted funds for the delivery of the charity objects and purpose
- Fund raising – to encourage and enable donations from individuals or consolidation of charitable funds.

4.2 Who are the potential applicants?

- Individuals in hardship – suggest use of connections to council services for identification
- Schools – special provision/SEND
- Clubs and other organisations serving Birmingham communities
- Other charitable organisation delivering projects in Birmingham

This list is not exhaustive

4.3 How to Access

- Council services – hard to reach communities
 - Children and adult social services
 - Birmingham Children's Trust
 - Birmingham Schools - SEND
- BCC Website presence
- Letter to Birmingham organisations from Chair Trusts and Charities Committee
- BCC Social Media – tagging/showcasing recipients

5 Fund Awards

- Amount of annual allocation – currently £24,000. Consider in terms of income levels – should each year be net of previous unused spend?
- How much per award – currently £5k limit for Sub-Committee not applicable as all award recommendations are to Trust and Charities Committee
- Consider prioritisation if demand is in excess of available funds – call for applications at set times in addition to an emergency set-aside or allow applications until funding limit reached (not been reached for many years). How prioritise – potential to score against outcomes.
- Confirm types of spend eligible for support for example:
 - one-off/non-recurring
 - assets provided maintenance is confirmed
 - non-political / non-religious?
 - within BCC boundaries
 - limit on number of applications per organisation or group of organisations

6 Proposal

- Meet with BCC directors/officers on how to access communities and/or individuals
- Compile list of charities within Birmingham and their terms/conditions for their support at this level
- Meet with AD Communications to compile proposal for BCC social media and advice
- Consider website presence
- Compile list of organisations for the Committee Chair to contact
- Reinstate resource charge – allocation of named support officer for applications
- Consider reinstatement of sub-committee should number of applications increase.

Birmingham Municipal Charity Grant Application Form

Name of Applicant	
Name of Organisation	
Project Name	
Address incl postcode	
Tel: No.	
Email Address	
Charity No (If applicable)	
Details of Applicant Please provide brief background details of your organisation or your client (including your relationship to the award recipient where applicable)	
What is grant to be used for?	

<p>How will the item (s) requested assist in the user's condition/situation? (Please give as much detail as possible in support of your application)</p>	
<p>Project Details Provide Details of request for funding including costs and confirmation and details of other contributions to support the project</p>	
<p>Public Benefit How will the funds provided benefit the citizens of Birmingham.</p>	
<p>Have you, your organisation or this project previously applied for an award from this Charity?</p>	

<p>Please provide details including date and amount of award.</p>	
<p>Have you, your organisation or this project received any other grant funding? Please provide details including date and amount of award.</p>	
<p>Please provide a copy of your organisations latest audited accounts.</p>	
<p>PLEASE ENSURE EVERY SECTION OF THIS FORM IS COMPLETED ACCURATELY AS ANY OMISSIONS MAY DELAY THE APPLICATION PROCESS BY THE FORM BEING RETURNED</p>	
<p>Please Return Completed Form to</p>	<p>Grants Secretary By email to: financecommunications@birmingham.gov.uk And/or post to: Birmingham Municipal Charity Service Finance 10 Woodcock Street Finance (WS) PO Box 16306 Birmingham B2 2XR</p>
<p>Please feel free to add any additional information that you feel is relevant to the applicant at the end of this form or, if printed, on a separate sheet of paper.</p>	

Funding Criteria

The trusts objectives are of a general charitable nature for the benefit of the citizens of Birmingham.

1.	Grants to be awarded to recipients or beneficiaries who reside within the boundary of the City of Birmingham up to the value of £10,000.
2.	Evidence of tangible “public benefit” to be demonstrated in the Application Form.
3.	Grant Applications will be presented to Trusts and Charities Committee for Approval.
4.	Funding letter to be forwarded to successful applicants.
5.	Applicants to sign offer of funding agreement.
6.	A narrative report to be submitted once the grant provided has been defrayed, confirming the use of funds and public benefit.
7.	Grants awarded to be defrayed in the financial year or within 6 months of approval of funding, unless agreed otherwise.
8.	Spend is for the benefit of the citizens of Birmingham.
9.	Documentary evidence of spend must be provided (for example invoices, bank statements)

Birmingham City Council

Trusts and Charities Committee

15/01/2024



Subject: Highbury Trust – Update on progress
Report of: Assistant Director of Corporate Landlord
Report author: Nigel Oliver

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 To update the Committee on progress on matters affecting the Highbury Estate and revenue account.

2 Recommendation(s)

That the Committee:

- 2.1 Notes that the changes to the management of the Highbury Estate agreed at previous meetings and set out in Appendix 1 continue to be progressed and it is appropriate to update the Committee.
- 2.2 Approves that the external advisors' legal fees, costs and disbursements in resolving those changes will now be met from the funds of the Highbury Estate which will be enhanced in due course by the capital receipts obtained from the agreed property disposals.
- 2.3 Authorises that the Chief Legal Officer and City Solicitor re-engage with the external advisors and prepare, negotiate, execute, seal and complete all necessary documentation and undertake any required consultation and advertisements or other notices to give effect to the above decisions.

3 Background

- 3.1 The Highbury Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31st March 1932 and is held in trust. It is a Registered Charity no 1039194. The Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury hall and Chamberlain House and three lodges. It now accommodates part of Uffculme Special School in Chamberlain House and at 92 Queensbridge Road the Four Seasons Gardeners, an Adult Services enterprise.
- 3.2 On 12th June 2023 a report was presented to Committee on matters affecting the Highbury Estate and to alert Members that a follow up report to Council as trustee would progress as soon as possible thereafter. The report to Council as trustee was discussed and agreed at its meeting on 11th July 2023 and the resolutions are set out in Appendix 1.
- 3.3 The resolutions agreed at the meeting were acted on, external solicitors and agents appointed and documents progressed particularly the Agreement for Lease between BCC, Highbury Estate Trust and Chamberlain Highbury Trust (CHT). It was proposed to bring the update report referenced in resolution no.6 to a meeting of Council as trustee once the terms and conditions of the principal documents between the trust and CHT were agreed. However, at the request of CHT, to assist the progress of their bid to the National Lottery Heritage Fund (NLHF) a report was aimed at the Council as trustee meeting in November 2023. With the service of the section 114 notice on BCC and the appointment of the Commissioners in agreement with the Commissioners this was deferred pending further discussions on the City Council's proposed match funding of the capital bid. The Chairman provided an update to Committee Members on this in his email of 15th November 2023 with an extract of the Commissioners statement.
- 3.4 While those matters may still take some time to resolve it is appropriate to finalise the proposed documentation between the Trust and CHT principally the Agreement for Lease and related documentation regarding their occupation of the Highbury Estate and to better assist the Highbury Estate trust's applications to the Charity Commission. Works on this were suspended in December but it is now proposed to re-engage solicitors to agree those documents.

4 Options considered and Recommended Proposal

- 4.1 The course for resolving the governance issues identified at Highbury by the Charity Commission has been agreed for several years and Chamberlain Highbury Trust (CHT), Registered Charity no 1169845 has been set in place to best resolve these and to manage the Estate and seek external grants to enable the refurbishment of Highbury. There is no reason for change at this point as their presence and activities already assists the Highbury Trust and they remain hopeful the bid to the NLHF will be successful.

- 4.2 There are clear benefits to the trust from finalising the documents with CHT and advancing applications to the Charity Commission to effect these and other disposals which have already been fully approved in advance.
- 4.3 To do nothing is not an option since it would leave BCC and the Trust exposed to reputational damage and possible action by the Charity Commission.

5 Legal Implications

- 5.1 The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the Estate will be governed by the charity's Trust document as amended by any Scheme approved by the Charity Commission. Trustees can also rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power for the trustees to manage the assets of the Trust as absolute owner. Actions proposed by the Trustees are required to be in the best interests of the trust and are intended to safeguard the trust estate for the future.
- 5.2 Each charitable asset is held as a separate trust and decisions need to be in the best interests of that trust. The terms of the gift at Highbury simply provided that the Trustees should hold them *"in the first instance for use as a hospital for the treatment of limbless and other soldiers, sailors or pensioners"* and *"if and when the Trustees should consider that they were no longer needed for those purposes the Trustees should hold the property for such public purposes as they with the consent of the Corporation of Birmingham might determine or might at the request of the Corporation transfer it to them for the general benefit of the Citizens of Birmingham"*. The Objects of the Charity are necessarily limited but sufficiently enable the future management of the estate *"for the general benefit of the Citizens of Birmingham"*.
- 5.3 The Highbury Trust holds the freehold interest of the land in trust as Sole Trustee and is empowered to undertake actions to properly manage the assets of the Trust including the making of awards to support the bids for a refurbishment of Highbury. Chamberlain Highbury Trust have been appointed to act as managing trustees for the Highbury Estate.

6 Financial Implications

- 6.1 The Committee has responsibility for ensuring the proper governance of the Trust in accordance with the objects and purposes of the trust and charity law and as Trustees to ensure that actions are undertaken within financial resources. Formal accounts are required to be prepared for the Charity Commission returns where appropriate. The Highbury Trust has a revenue stream principally from the letting

of Highbury to BCC Civic Catering for the continuing use of the property as a wedding/conference centre and interest earned on balances.

- 6.2 The previous activities and bids by CHT to the NLHF for funds for the refurbishment of Highbury have been supported by the trustees with grants from Highbury Trust funds. That Chamberlain Highbury Trust are continuing their operations on the Estate and advancing their bid to the NLHF for funds for the refurbishment of Highbury is in line with the longer term ambitions of the trustees to secure the restoration of Highbury.
- 6.3 To date works by the external solicitors have been met by BCC funds but the Commissioners have now clarified that no additional BCC support is available and generally future trust activity will need to be funded by the individual trust concerned. As appropriate, funds to progress the approved matters on the Highbury Estate will be drawn from the Highbury Estate revenue account, and if necessary to fund the costs of these transactions, against future receipts from any disposals.
- 6.4 The main immediate cost will be the fees of the external solicitors, who it is proposed to re-engage with immediate effect. It is estimated costs for the remaining work will be approximately £30k.
- 6.5 Officers supporting the Committee and general trust work do not currently charge time to the trust accounts. It is not proposed to change this arrangement at this time but where these arise in future they will need to be met from trust resources not BCC resources.

7 Public Sector Equality Duty

- 7.1 The statutory functions discharged by the trustees through the Council as Trustee and the Trusts & Charities Committee 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. Public consultation is not required and Member consultation is not usually undertaken for Trust matters at this stage but the Leader, Leader of the Opposition Parties, local Members and others will be alerted to the report.

8 Background Papers

- 8.1 The conveyance dated 30/03/1932.

9 Appendices

- 9.1 Appendix 1 - Resolutions Council as trustee meeting on 11th July 2023

The meeting of - Full Council sitting as 'Council as Trustee' on 11th July 2023 resolved :

1. Notes that the transfer of property proposed in this report by the Council as Trustee to CHT and BCC raises potential conflicts of interests and these conflicts have and will continue be mitigated by: engaging external legal advisors to advise the Council as Trustee on the proposed disposals, seeking Charity Commission's prior approval and consent to any actions taken under this report, obtaining independent external valuations on all Trust assets affected, and by excluding Council Members who are connected to CHT from debating or voting on this report.
2. Authorises an application made to the Charity Commission to obtain either an Order for the disposal of Chamberlain House to Birmingham City Council free of any ongoing charitable trusts, and to apply the net proceeds of sale of any such disposal as directed by the Charity Commission by way of Scheme (if required) or otherwise applied in furtherance of Highbury Trust objects.
3. Authorises the City Solicitor (or their delegate) to negotiate and settle any documents to give effect to transfer of Chamberlain House to Birmingham City Council by way of a Charity Commission Order.
4. Agrees in principle the grant of a 125-year lease at a peppercorn rent to the Chamberlain Highbury Trust registered charity number 1169845 (CHT) of Highbury Hall and adjoining trust land more particularly delineated in red on the plan attached at **Appendix A** subject to compliance with charity law and obtaining the Charity Commission's prior consent by way of Order.
5. Agrees that the net proceeds of sale raised from the disposal of surplus Trust property, namely 98 Queensbridge Road at commercial market valuation and in accordance with Charities Act 2011, shall accrue to Highbury Trust.
6. Notes that a further report on progress will be presented to Full Council in approximately 6 months to update Full Council as Trustee on progress achieved and further decisions of Full Council as required.
7. Authorises the City Solicitor and Monitoring Officer be authorised to continue to seek external professional legal advice, independent property valuations, negotiate lease terms with CHT and make applications to the Charity Commission for the purpose of progressing and implementing the above recommendations.

