

7th December 2012

*fao the Chair, Trust and Charities
Committee, Birmingham City Council*

Response to Highbury options paper 2012



Introduction

1.1 We were pleased to hear at the recent public meeting that the new administration at Birmingham City Council understands the mistakes made by previous administrations and Officers and is trying to take a new approach to Highbury Trust. The new options paper includes observations and suggestions with which we agree however it offers proposals that are a little vague and does not consider governance arrangements in enough detail, explain the current financial situation and it continues to demonstrate the conflict of interest the City Council has as the corporate trustee.

1.2 Moseley Community Development Trust began the campaign for reforms at Highbury Trust in December 2004, following the Charity Commission's intervention. However, the management of Highbury Trust remains unresolved and in our opinion there is an urgent need to reform its governance arrangements so it can operate as an independent charity as recommended by the Charity Commission.

1.3 We realise that the Trusts and Charities Committee is coming under considerable pressure from within the Council and outside of it to progress the disposal of Chamberlain House to Uffculme School (BCC's Education department). Whilst this is being "sold" as a quick win for Highbury it could lead it irreversible damage to the heritage value of the site and there is no understanding of how it contributes to an overall development strategy, or if the school in the coming years will need to expand again. The School hasn't undertaken its own options appraisal to conclude the best course of action is to move to Chamberlain House and the City Council's Education department have not explained what will happen to the existing Uffculme site; since this also has heritage value.

1.4 The T&C Committee should not be coerced in to making a decision about Uffculme School by parents and fellow Councillors. BCC's Education department needs to take responsibility for the conditions at Uffculme School; not Highbury Trust.

1.5 The Uffculme situation highlights how the Council as sole trustee faces a conflict of interest, with another part of the Council attempting to drive changes at Highbury and ultimately the Council having to negotiate a rent with itself. Without an independent Board of Trustees, a decision in the best interests of Highbury Trust cannot be made.

Our key recommendations

2.1 Since sound governance arrangements are fundamental to the future of Highbury Trust we strongly recommend that no further action is taken to progress any of the proposals in the new options appraisal paper until this crucial matter is resolved.

2.2 In 2008 and in 2009, the then Highbury Coalition produced a discussion paper for the City Council with recommendations and suggestions about how to improve Highbury Trust. This was consulted on locally and it received support from the communities of Moseley and King's Heath. Unfortunately, this paper was ignored by the Trusts and Charities sub-committee and BCC's legal services department. Much of the content remains relevant today and the way forward section outlines what needs to be done now. The Trusts and Charities committee should refer back to this document.

Governance

3.1 Much of this new paper seeks to discuss physical changes to the estate but it fails to consider the purpose of Highbury Trust; yet this is fundamental to its future. This suggests to us that the Council is "putting the cart before the horse". The options paper suggests that the City Council should retain ownership of Highbury and that management is transferred to a new not-for-profit Trust. This proposal demonstrates to us that the City Council still fails to understand an important concept; there is no need to create new not-for-profit Trust. Highbury Trust already exists; its governance arrangements simply need to change to allow a wider membership so it can operate as an independent charity. Birmingham City Council could become a custodian Trustee in the future.

3.2 The Trust was created "for the benefit of the citizens of Birmingham". This is a worthy aim left by the Chamberlains, however in today's charitable world, much better defined charitable objectives are needed. It is from these that future charitable activities can be developed.

3.3 To develop the charitable objectives we recommend an independent working group is formed; made up from key stakeholders including the Chamberlain family and those with particular skills or knowledge in the development of charitable activity and social enterprise. In addition, we strongly recommend that this group decides what social impact Highbury Trust wants to make and what role it should play in Birmingham's third sector. It may wish to commission a review of social welfare priorities in the City and consult with the third sector organisations. Once social impact is understood, a vision with objectives can be agreed, a delivery plan organised and social impact measurements agreed.

3.4 The current Board membership suggested in the new paper is limited, and does not include any involvement from the community and voluntary sector, this is a serious omission since it is this group that has driven the changes at Highbury to date. Any future Board should include a member of the Chamberlain family, Birmingham City Council and comprise of a range of skills and knowledge, depending on the charitable objectives. They include individuals or skills in the following areas:

- Charity management and administration
- Financial management in Charities
- Fundraising

- Business development (in particular social enterprise)
- Chamberlain family history
- Poverty relief
- Representatives from local community and voluntary groups
- Heritage restoration and interpretation
- Historic landscape management and restoration
- Education
- Young people
- Volunteer management

3.5 Why should anybody support Highbury? When a financial liability has been created by the City Council's mis-management. If the Trust is to attract new investment and skills, its financial performance and accountability needs to be understood. It is difficult to rely on the sums quoted in the options paper since accounts (like any other charity) have never been produced for Highbury Trust.

3.6 Any attempt to change the estate grounds should be suspended until a management plan for the grounds (listed on the historic parks and gardens register) has been produced. You will recall from that the City Council's Landscape Practice Group commissioned a survey of the Landscape and Dr. Phillida Ballard said "A quality Victorian house and a quality Victorian garden surviving together is an extremely rare occurrence, not only in Birmingham, but in any major industrial centre".

3.8 Finally, without clear governance, charitable objectives and accounts, it will be difficult for Highbury Trust to raise funds from public or charitable organisations. At a previous public meeting the Director of the West Midlands Charitable Trusts Association made it clear that funding from his members would not be available to Highbury Trust in its current form.

Consultation

4.1 Whilst we are pleased to see the Council attempting to consult with residents of Birmingham, it can make improvements to way it has carried out this exercise. Too few people knew about the consultation ; the City Council should not rely on posting information on a website. Many local residents and community groups, including ourselves were surprised to learn about the consultation and some residents living near to the estate never received notification of this consultation. Some users of the site have special needs and to involve them will require specialist skills.

4.2 In addition, any consultation papers should have included plans and photographs of the estate with the features marked on it to help residents understand the proposals better.

4.3 It seems that we have been presented with broad outline to discuss and no indication of if our comments will be able change the future direction for Highbury or if new proposals will be

produced. These questions were raised at the public meeting and no clear commitment was made to continuing consultation, opening up a dialogue, or allowing participation in decision making.

4.4 A more meaningful process would have allowed stakeholders to contribute to the draft and be involved in planning the consultation and reviewing the findings. This highlights how Birmingham City Council is again failing to harness the skills and enthusiasm of the local charity sector and volunteers already working on the Highbury estate. Bridges need to be built the City Council as a matter of urgency. The previous administration failed to do this and created a “us and them” situation. The City Council now needs to remove the barriers to participation in Highbury’s future.

We look forward to receiving a response to these comments.

A handwritten signature in black ink that reads "Tony Thapar". The signature is written in a cursive, slightly slanted style.

Tony Thapar
Chief Officer
Moseley Community Development Trust