



# Highbury Heritage Trust

## A New Independent Trust

**Trustee and Chair  
Recruitment Briefing  
Pack**

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## Foreword from Councillor Philip Davis

Highbury Hall and its estate is a special place. The home of one of the 19<sup>th</sup>-century giants of British and imperial politics, Joseph Chamberlain – arguably the midwife of modern local government – the house he built in 1878 still stands in its (slightly faded) 'Venetian Gothic' splendour. While elements of the estate Chamberlain knew have long gone, its associated parkland has largely survived as a mixture of city-owned parkland and land in trust.



Passing to the City Council in 1932, the Council holds the Hall in perpetuity for the benefit of the people of Birmingham through its Trusts & Charities Committee (TCC). For many years it has been in use as a wedding and public and private events venue run by the Council's civic catering arm.

Following concerns some years ago that the council was failing to fully respect the status of Highbury as an asset held in trust under charity law and recognising its untapped potential, TCC asked Birmingham Conservation Trust (BCT) to conduct a thorough, independent review. This recommended a new more independent governance structure to promote

- focused management of Highbury;
- greater clarity around relations with the council;
- options for both investment in the Hall and a sustainable long-term business plan.

The Council has been able to assist the transition to the proposed Highbury Heritage Trust via its purchase of the disused Chamberlain House from the Highbury Estate, as premises for the Uffculme School. The sale provides a capital sum of £750,000 to the Trust. This, with an annual rent to 2017 from Civic Catering, provides an initial 'endowment' to the proposed Highbury Heritage Trust.

The City now seeks to appoint a voluntary body of up to 10 trustees to form the board of the Highbury Heritage Trust. *The HHT Chair will be a crucial first appointment.* This person will work with the Chairman of Trusts & Charities Committee to appoint the new HHT board and take forward the work of the new Trust. While TCC, as the representative of the Council-as-Trustee, will retain ultimate responsibility for Highbury, our aim is to give maximum independence to the Highbury Heritage Trust. We believe this will best serve the positive development of Highbury Hall and estate in the interests of the people of Birmingham.

Thank you for your interest in this exciting opportunity to sustain and develop Highbury as a special place for Birmingham, the West Midlands and beyond. I can be contacted for an informal discussion on the HH Trust and the role of the Chair as below.

Sincerely



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Chair, Trusts & Charities Committee  
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# **1. Highbury: The Opportunity and the Challenge**

Highbury, Joseph Chamberlain's Birmingham residence until his death in 1914, and its surrounding 26-acre estate form one of Birmingham's most important heritage assets. However, it is widely acknowledged that under the current arrangements, the full potential of the asset, and particularly its heritage value, has not been realised. Furthermore, since the City Council carried out partial restoration of the house in 1984, it has not been maintained to a sufficient standard, leaving it requiring major repairs. Chamberlain's former pleasure gardens (immediately around the house and not forming part of Highbury Park) have also not fared well, and are largely overgrown.

## **The Opportunity**

Following an 'options appraisal' carried by Birmingham Conservation Trust, the City Council has taken the decision to give Highbury a fresh start. While the Highbury Trust, one of a number of trusts and charities of which the Council is sole trustee, will retain ultimate custodianship on behalf of the people of Birmingham, Highbury will be leased to a new, independent Highbury Heritage Trust. Within broad parameters that will be set by the new Trust's lease and constitution – which will focus on maximizing public benefit and heritage value alongside sustainability – the Highbury Heritage Trust will be given the freedom to shape the future of Highbury. Crucially, it will not be expected to do so without resources: the sale of Chamberlain House (dating from 1940) to Uffculme School creates a 'fighting fund' of £750,000. This will provide the new Trust both with 'match funding' to support major grant bids and the resources to employ staff and consultants to develop these bids.

For the future Chair and trustees of the Highbury Heritage Trust, this is an extraordinary opportunity. The success of the new Trust will hinge on its board comprising people with the right experience and skills, but most importantly the vision and drive, to turn Highbury around and raise it to its rightful place in Birmingham's historical and cultural landscape. For inspiration, one need look no further than the vision and drive of Joseph Chamberlain himself, and his belief in the greatness of Birmingham.

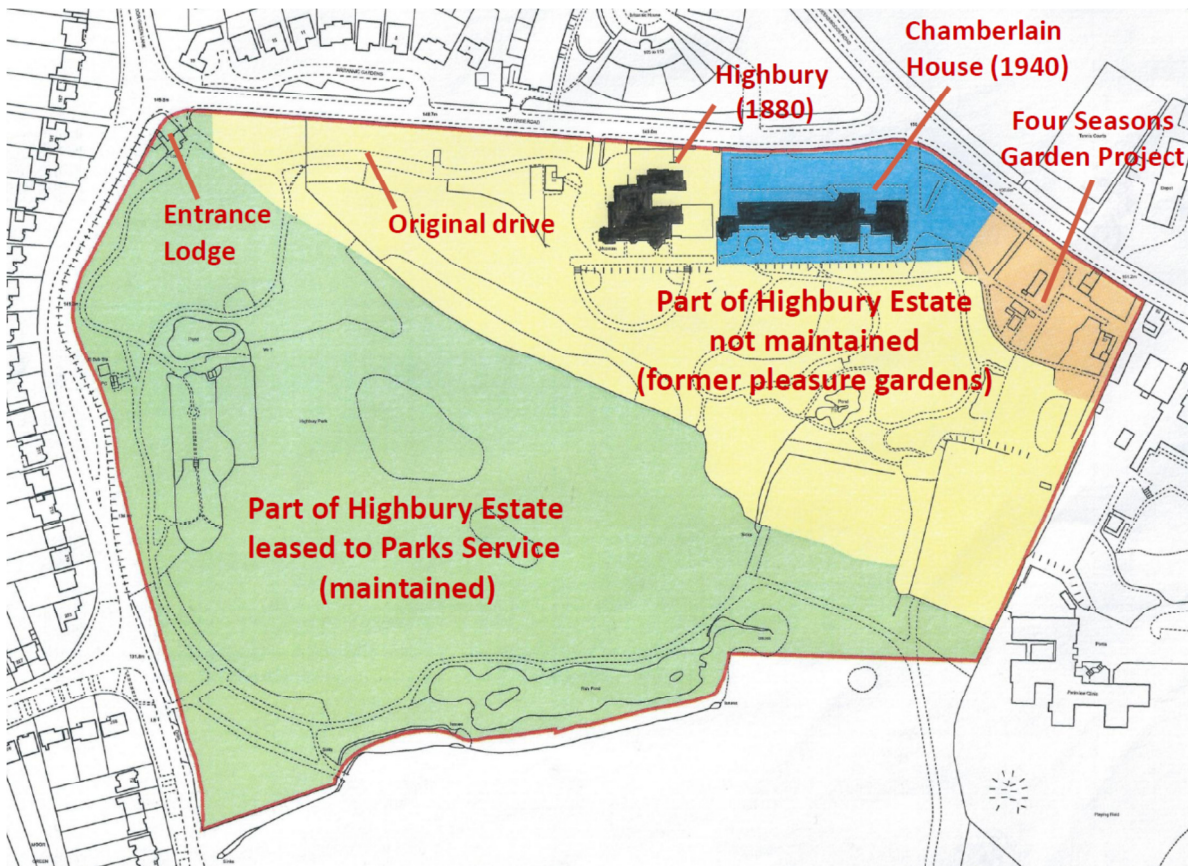
## **The Challenge**

- To develop a new overall vision for Highbury which will maximise the opportunities for public and community benefit while achieving long-term sustainability
- To imaginatively unlock the heritage of Highbury, engaging the widest possible audiences
- Building on the recommendations of the options appraisal, to develop an ambitious programme of repair and restoration of the house and gardens, which will transform Highbury over the next 10-15 years (estimated cost c.£7 million)
- To use the development budget to initiate and support the incremental programme of fundraising and grant applications that will be necessary to achieve the vision



## 2. Description and stakeholders

Highbury is an impressive Grade II\* Victorian mansion designed by prominent Birmingham architect J.H. Chamberlain (no relation to Joseph) in a Venetian gothic style and completed in 1880.



In addition to the main house, the other buildings on the estate comprise:

- an entrance lodge (Highbury Park Lodge), built in 1878
- a former gardener's cottage (98 Queensbridge Road), built c.1879
- a former farm bailiff's cottage (92 Queensbridge Road), built 1904
- Chamberlain House, adjacent to Highbury, built in 1940 as a convalescence home for service men injured in World War II
- a former caretaker's house built in the 1960s

The grounds associated with Highbury were mainly landscaped by Edward Milner, an Edwardian garden designer of national repute, and include, in various states of preservation:

- a long drive from the entrance lodge to the house
- a formal semi-circular terraced garden (parterre) in front of the house
- kitchen gardens (with boundary wall built in 1879)
- pleasure gardens, tea garden, tennis courts
- a former hobby farm (buildings now demolished)
- lakes, ponds and open parkland





In 1932 the Highbury Estate was given in trust to Birmingham City "for the general benefit of the citizens of Birmingham". Currently, the City Council is the sole trustee of the Highbury Trust. In 1984 the City Council undertook a partial restoration of Highbury, and in recent years the main house has been managed by Civic Catering, a division of the Council. Its principal use is as a conference and wedding venue.



Chamberlain House was most recently used as offices and a training centre for Birmingham City Council Social Services. It is currently vacant, boarded up, and in the care of BCC Property Services. The transfer, on a long lease, of Chamberlain House to Uffculme School provides a capital sum of £750,000 to the new Highbury Heritage Trust.



Entrance Lodge

The entrance lodge (Highbury Park Lodge) and former gardener's cottage (98 Queensbridge Road) are currently occupied by former Parks staff, with secure tenancies originally granted by the City Council. The modest rental income is taken by the Highbury Trust. Under licence to the Highbury Trust, the former farm bailiff's cottage (92 Queensbridge Road) is used as an office by the Four Seasons Garden Project (see below), which is part of the City Council's People's Directorate. The former caretaker's house, an eyesore, is unoccupied and currently used for storage by Civic Catering.

A park was established at Highbury in 1921 and subsequently expanded to cover some 75 acres. Since 1933 it has been known as Highbury Park, although it is formed from land from three former private estates: Highbury, Uffculme to the east, which formerly belonged to the Cadbury family, and The Henburys to the south. Most of this park lies to the south of the Highbury Estate, and is owned by Birmingham City Council (the largest part of the land comprising the park was given to the City by Birmingham Civic Society in 1923-4), but 18 acres of the park are leased from the Highbury Trust. Highbury Park is maintained by the City Council's Parks Service, while the grounds immediately surrounding the house are the responsibility of Civic Catering. With the exception of the parterre immediately to the south of the house, Civic Catering has not maintained these grounds.

In 1986 Highbury Park, including the Trust's lands and the kitchen gardens, was included on English Heritage's Register of Parks and Gardens of Special Historic Interest at Grade II.



The kitchen garden, in the north-eastern corner of the Trust estate, is used by the Four Seasons Garden Project, which is part of People's Directorate, and managed through the Moseley Day Centre. The project helps adults with learning difficulties and sells produce to local people. They have a new greenhouse on the site and use the former bailiff's cottage (92 Queensbridge Road) as their office, occupied under licence to Highbury Trust.

A key stakeholder in the park is the Friends of Highbury Park, founded in 2002, who do valuable conservation work in the park, working closely with the Park Ranger Service and with the approval of the Trusts and Charities Committee.

Another stakeholder group is the Highbury Orchard Community CIC, which is effectively an offshoot of the Friends and the Four Seasons project. This

initiative, launched in 2010, is making use of a neglected area of the grounds, focussed on the former hobby farm, to create an educational forest garden and orchard, preserving rare species of fruit trees dating from Chamberlain's time. The brick floors and foundations of the farm buildings are used for small-scale events

Other groups and individuals with an interest and stake in both Highbury Estate and Highbury Park include:

- Members of the Chamberlain family
- Moseley Community Development Trust
- Moseley Neighbourhood Forum
- The Moseley Society
- Britannic Park Residents' Association
- Heathfield Road Residents



## Key issues

There is universal agreement that the way in which the Highbury Estate is currently used and managed falls well short of the ideal, and there is a public perception that the house and estate have been poorly managed and maintained by the City Council. In particular the Friends and the Moseley Community Development Trust have been sharply critical of the Council's management of Highbury. Under its current management regime, Highbury Trust is not generating sufficient income to cover the costs of managing the Estate; this has been the financial position for some time.

Parts of Highbury are in need of urgent repair. To keep the building sound for the next three to five years, conservation architects have established that repairs are needed to roofs, chimneys, gutters and windows, as well as upgrading of electrical and mechanical services. Work is also needed to restore Highbury's gardens and grounds, although this does not have the same level of urgency as repairs to the house.

Management of the estate is the responsibility of the Highbury Trust, of which the City Council is the sole Trustee. In practice, the City Council as sole Trustee is represented by the Trusts and Charities Committee, supported by various council officers, especially legal and financial. However, neither the Trusts and Charities Committee nor the officers supporting it directly manage the Highbury Estate, nor are they in a practical position to do so.

Practical responsibility for, and management of, the various assets making up the Highbury Estate is split between various Birmingham City Council departments. There is no central management or manager for the Highbury Estate, and no formal mechanism by which representatives of the various responsible departments can meet to coordinate their activities, or liaise with stakeholder groups. The inevitable result has been a disjointed approach, lacking an overarching strategy. Furthermore, the highly fragmented distribution of management responsibilities has made proper financial accounting for the Highbury Trust extremely complex.

There has been concern for a long time about the lack of charitable use for Highbury and about the governance of the Trust, which prompted the intervention of the Charity Commission some 15 years ago. While many of the concerns have been addressed, a great deal still remains to be done. The current arrangement, with the City Council as sole Trustee of the Highbury Trust, leads to an obvious risk of conflict of interest between the Council and the Trust. What is in the best interests of the Council, or individual departments within the Council, may not be in the best interests of the Trust. The relationship between Highbury Estate and Highbury Park is unsatisfactory, with responsibilities not clearly defined, lack of coordination and potential conflicts of interest.

As ever, the main issue is the costs:

- The cost of full restoration of Highbury (main house) is estimated at c. £3.7 million
- The cost of full restoration of the gardens and parkland is estimated at c. £2.9 million
- Development costs (a necessary preliminary to raising the restoration costs) are estimated at £175,500
- The annual cost of the upkeep of the house is estimated as at least £75,000



## **The challenge for the new Highbury Heritage Trust**

Since the intervention of the Charity Commission, a number of options appraisals and studies have been carried out. The most recent options appraisal was carried out by Birmingham Conservation Trust, taking into account the earlier studies.

All the options considered were measured against the following fundamental aims:

- To use Highbury “for the general benefit of the citizens of Birmingham”
- To protect and conserve the heritage assets, making these accessible for public enjoyment
- To use the assets for charitable purposes and promote charitable activity
- Financial sustainability through income generation

The favoured option, which has been adopted by the City Council’s Trusts and Charities Committee, is described below. The challenge for the new Highbury Heritage Trust is to achieve this vision.

### *A Place for Public Benefit & Sustainability*

A new independent trust, to be called the Highbury Heritage Trust, will be set up to run Highbury. It is of fundamental importance that this operating trust is, and is seen to be, genuinely independent, with the City Council just one stakeholder amongst several. The composition of the operating trust should reflect a balance between experts with relevant skills, Council representatives and stakeholder groups, local and wider.

The skills represented amongst trustees should include the following (some individuals may combine more than one of these skills):

- Charity management and administration
- Charity fundraising
- Finance and business development
- The built heritage, management and interpretation
- Historic landscapes, management and interpretation
- Volunteer management
- Education

Positions on the board of trustees will be openly advertised and appointments will be made on the basis of merit in a transparent process. The board of trustees should be sufficiently small (no more than ten trustees) to allow it operate efficiently. The board of trustees should be supported by a larger advisory group, providing broader representation. The chair of the advisory group should be a trustee.

Once the Highbury Heritage Trust has been established, all of the Highbury Estate, except Chamberlain House, will be leased for a minimum of twenty-five years at a peppercorn rent to the new trust. The lease will be supplemented by a management agreement which will stipulate that the estate has to provide benefit to the people of Birmingham and be maintained in a manner appropriate to a heritage asset of this quality.

The short-term lease (to 2017) that has been granted to Civic Catering to run its wedding, function and conference operation will be transferred to the new trust, and the income from

the lease will be reinvested in building maintenance and the general charitable work of the trust. Future renewal of this lease or alternative arrangements will be at the discretion of the new trust.

It will be up to the new trust to decide about the occupation of the kitchen gardens in the long term but it is suggested that the Four Seasons Garden Project (People's Directorate) remain in occupation of the kitchen gardens and the former farm bailiff's cottage (92 Queensbridge Road) on the basis of a short-term lease as a sub tenant of the new trust. Similarly with Estate land incorporated into Highbury Park, it is suggested that the Parks Service (Local Services Directorate) becomes a sub tenant of the operator until it is decided whether it is appropriate to manage the Estate lands as one whole, or leave part incorporated into Highbury Park. Both sub tenancies would also be subject to management agreements with the new trust, and would take into account the fact that the grounds are a registered park. It is envisaged that the entrance lodge (Highbury Park Lodge) and the former gardener's cottage (98 Queensbridge Road) would continue in residential use with the tenancies transferring to the new trust as soon as practical.

It is anticipated that Highbury Heritage Trust will appoint, as a salaried post, a Director. The Director will work closely with the Chair and trustees to develop the trust's business strategy and deliver the trust's vision on a day-to-day basis. Key duties of the Director will be fundraising and the preparation of grant applications to address the backlog of repairs and programme of restoration, development of community activities on the Trust Estate, and working with volunteers. Highbury will be opened up for public and community events whilst still continuing to generate income from weddings, functions, conferences and potentially bed and breakfast.

The adoption of the preferred option includes only one action that is, in practical terms, irreversible – the disposal of Chamberlain House. Beyond this the new operating trust will be given flexibility of manoeuvre, allowed to develop its own business plans, and to respond to opportunities and changing circumstances.

Although the preferred option retains the *status quo* in many respects, lease and other contractual arrangements are at present only short or medium term, allowing the new operating trust to develop Highbury in different directions in the longer term if deemed appropriate.



### 3. The Role of the Chair and Trustees

The Highbury Heritage Trust will be a new organisation set up as a not-for-profit company limited by guarantee. Once it is incorporated, charitable status will be sought, thus making it a charitable company. In common with many charities, the trust will also establish a subsidiary trading arm to carry out some of its trading activities.

The Board of Trustees will have overall responsibility for the trust and act as its governing body. Trustees are legally responsible for directing the affairs of the trust, ensuring that it is solvent, well-run, and delivering its charitable objects. Trustees will also be directors of the charitable company. Further information on eligibility and the legal duties of trustees is attached at Appendix A. Trustees will not be paid, but reasonable expenses will be reimbursed. Being a trustee will provide a challenging and rewarding opportunity to get involved in shaping a new future for Highbury.

Birmingham City Council will lead on the appointment of the Chair, supported by Birmingham Conservation Trust. Once the Chair has been appointed she or he will take the lead in the appointment of the other trustees, again with support from the Council and Conservation Trust. The aim is to have a board of between 6 and 10 trustees in total, including the Chair. Two of these trustees will be nominees of Birmingham City Council. They will have exactly the same duties and responsibilities as other trustees. All other appointments will be made purely on the basis of merit.

In addition to the two nominees from Birmingham City Council, it is therefore intended to appoint:

- A Chair for the trust (openly recruited);
- Between 3 and 7 other trustees (openly recruited).

The aim is to appoint the Chair by the end of October 2015 and the other trustees by the end of November, so they can play a full shadow role before the trust officially begins to operate in 2016. There are certain activities during this implementation period that the trustees will need to lead on as a 'shadow board', such as securing charitable status and negotiating with the Council the lease of assets and the terms and conditions of legal agreements. Support will be provided to the trustees by City Council legal and financial officers, and resources will be made available to ensure that the shadow board can secure independent advice where necessary. To protect the new trust's independence, the two Council members will only join after the initial 'shadow board' processes are complete.

Trustees will be appointed for a renewable 3-year term, though it is anticipated that, in line with best governance practice, trustees will not serve for more than six years. The roles are likely to require a substantial commitment from the successful candidates (including at least some time during normal working hours), especially as the trust establishes itself. The expectation is that the time commitment required may initially be up to one day a fortnight. The role description sets out the types of activities that will be involved. They are likely to include preparing for and attending board meetings, recruiting and appointing the Trust Director, meeting volunteers and stakeholders (such as potential funders, Civic Catering and other tenants, the Friends of Highbury Park and other local community groups), and trustee training and development events. While decisions about the frequency of board meetings (normally to be held at Highbury)



will be a matter for trustees, it is probable that the board would wish to meet no fewer than six times a year, and there may be additional meetings of board committees.

Role descriptions for the Chair and other trustees are set out in the following two sections.

### **3.1 Role Description: Chair**

All trustees are collectively responsible for the decisions and management of the Highbury Heritage Trust, but the Chair is 'first amongst equals', and the ambassador and public face of the trust. The Chair's role is to:

- Represent the interests of the trust and oversee its establishment;
- Enable the trustees to fulfil their collective responsibility for the trust's overall governance, strategic direction and provision of public benefit by providing leadership and direction to the board of trustees;
- Work with the Director to achieve the trust's vision to create at Highbury 'a place for public benefit and sustainability', including by ensuring clear distinction between the board's role in developing and agreeing strategy, and the Director's and management's role in applying that strategy to day-to-day operations

### **Principal Tasks**

#### ***Before the legal establishment of the Trust***

*Ensure the transition to trust status*

- Lead the appointment of trustees
- Lead a 'shadow board' to establish the trust by early 2016
- Appoint a Director Designate

#### ***Following establishment of the Trust***

*Set a clear and ambitious strategic vision and direction in implementing the adopted option for the future of Highbury*

- Ensure that the trustees steer, consider, approve and monitor grant applications and strategic and financial plans, define goals and targets and evaluate performance against these goals and targets
- Support and offer guidance to the Director, including through agreeing objectives and assessing performance, and ensuring that management responsibilities are clearly defined
- Ensure the effective and efficient administration of the trust and its financial stability

### *Provide leadership*

- Take a leading and high-profile role in the advocacy of the trust, promoting it to a wider audience, and serving as a spokesperson for the trust as required
- Ensure the concerns and comments of the board, advisory group and other key stakeholders are addressed
- Ensure good relationships with the trust's staff, volunteers, stakeholders and customers
- Safeguard the good name and values of the trust

### *Ensure good governance*

- Plan and chair meetings of the board of trustees, ensuring that it functions effectively and carries out its duties, establishes appropriate committees, annually reviews its performance, and monitors the implementation of its decisions
- Meet the legal obligations common to all trustees (see Appendix A), and ensure that trustees understand their responsibilities and are annually appraised
- Address any conflicts of interest among trustees and, along with the Director, ensure that all trustees have access to appropriate induction, advice, training, development and information relating to their role
- Work with trustees to plan board succession, openly and widely recruiting diverse trustees with relevant skills and experience

## **3.2 Role Description: Trustees**

All trustees are collectively responsible for the decisions and management of the trust. The role of trustees is to:

- Take ultimate responsibility for directing the affairs of the trust, and to do so with innovation, creativity, ambition and appropriate challenge
- Ensure that the trust has a clear vision, mission and strategic direction and is focused on achieving these as the trust develops
- Act reasonably and prudently in the best interests of the charity, never in pursuit of personal interests or the interests of another organisation, meeting the legal obligations common to all trustees (see Appendix A)

## **Principal Tasks and Duties**

### ***Before the legal establishment of the Trust***

#### *Support the process of establishing the Trust*

- Contribute actively to the 'shadow board' to ensure that the trust is fully operational by early 2016

### ***Following establishment of the Trust***

#### *Accountability; Legal and Financial Duties*

- Ensure that the trust complies with its governing document, charity law, company law and any other relevant legislation or regulation
- Ensure that the organisation pursues its charitable objects as defined in its governing document and uses its resources exclusively in pursuance of its objects
- Regularly monitor performance against the annual budget and support appropriate management action designed to achieve agreed levels of financial performance and ensure financial stability
- Ensure that the charity's governance is of the highest possible standard, and that it is openly and transparently accountable to funders, customers and stakeholders

#### *Policy and Planning*

- Ensure that the charity has a clear vision, mission, values and strategic direction and is focused on achieving them
- Contribute actively to the board of trustees in giving firm strategic direction to the organisation, setting overall policy, defining goals and setting targets and evaluating performance against agreed targets
- Approve and review the business plan, focusing on key issues and providing guidance on new initiatives
- Ensure that all significant risks associated with the trust are recognised and that appropriate mitigation measures are put in place and regularly monitored

#### *Advocacy*

- Safeguard the good name and values of the trust, acting as an enthusiastic and well-informed ambassador at all times, and taking responsibility for the trust's 'corporate behaviour'
- Champion excellent customer service and a great visitor experience
- Promote the trust, its activities and its needs, to the public, private and voluntary sectors so as to enhance the trust's profile and assist with its fundraising activities and income generation



## *Other Duties*

- Scrutinise board papers, taking an active part in board discussions, leading discussions and board sub-groups as required, using any specific skills, knowledge or experience to help the board of trustees reach sound decisions
- Oversee the recruitment of the Director and other staff as required, and monitor their performance
- Ensure the effective and efficient administration of the organization, ensuring that appropriate internal policies are in place and monitored effectively respecting the role of staff and volunteers
- Act as guardians of the assets managed by the trust, both tangible and intangible, taking all due care over their security, deployment and proper application

## **4. Person Specification**

The Person Specification sets out what we are looking for from all prospective trustees, and the additional skills and experience we are looking for from a Chair. Please feel you can apply even if you do not meet all criteria. The most effective boards are ones which include a diverse range of backgrounds, experiences and skill sets. All appointments will be made purely on the basis of merit.

### **Passion and Commitment**

- Interest in and commitment to the heritage of Highbury and Birmingham more widely
- A readiness and ability to play a role in fundraising/development activities
- Fair, impartial and open to new ideas

### **Skills**

- The ability to think creatively and strategically, demonstrating good judgement and analytical ability
- Good communication, team-working and inter-personal skills, demonstrating tact, diplomacy and the ability to build and manage strong relationships and networks
- An ability to command respect among local, regional and national stakeholders – acting as an ambassador for the trust

### **Experience**

- Knowledge of or passion for the heritage sector
- Senior-level experience and well-established networks, for example in one or more of the following areas:

- Management or entrepreneurial experience
- Finance, Law or Human Resources
- Fundraising
- Communications, ICT, Marketing and Public Relations
- Heritage, Museums, Tourism or the Arts
- Education or Academia
- Involvement in community service (paid or voluntary)

## **Eligibility**

- An understanding and acceptance of the roles and responsibilities of trustees, and eligibility to act as a trustee (see Appendix A)
- Willingness to devote the necessary time and effort, including attending board meetings and occasional daytime and evening events
- A commitment to Nolan's seven principles of Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership)

## **Additional Skills and Experience for the Chair**

- Good leadership skills, including in creating and delivering a clear strategic vision and direction
- Board level (or equivalent) experience and proven competence in chairing meetings and managing performance
- An understanding of the challenges of leading an organisation in its early development, or in periods of significant change
- Ability to work with the Director to maintain the appropriate balance between management and governance
- Ability to inspire and lead a team of highly skilled and motivated individuals, creating a safe climate for discussion and providing autonomy and independence for the trustee recruitment process



## 5. How to apply

We are seeking to recruit a Chair of Trustees and between 3 and 7 trustees for the future Highbury Heritage Trust. To register your interest please email Simon Buteux ([simon@birminghamconservationtrust.org](mailto:simon@birminghamconservationtrust.org)) providing a copy of your CV and a covering letter, outlining the following:

- 1) Brief biography (career synopsis/key achievements)
- 2) Whether you wish to be considered as Chair, trustee or both
- 3) The qualities you would bring as Chair or trustee
- 4) Your association with Highbury or Birmingham and your commitment to the city's heritage
- 5) Confirmation that you are eligible to act as a trustee (see AppendixA)

Applications are invited by:

- **Friday 16<sup>th</sup> October** 2015 if you wish to be considered for **the role of Chair** of Trustees (interviews 26<sup>th</sup> October)
- **Friday 30<sup>th</sup> October** if you wish to be considered only for the **role of trustee** (interview dates to be confirmed; anticipated in November)

Once appointed, the Chair will lead the recruitment of the other trustees.

An **open evening** for all potential candidates will be held at 6.30 pm on **Thursday 8<sup>th</sup> October** at Highbury. This occasion will provide an opportunity to find out more about the proposed Highbury Heritage Trust, and to ask questions about the trust and the role of the Chair and trustees. A light buffet will be available. If you wish to attend the open evening, or have any other questions, please email Simon Buteux on [simon@birminghamconservationtrust.org](mailto:simon@birminghamconservationtrust.org) or 07973 498013.





## **Appendix A: Eligibility and Legal Duties of Trustees and Directors**

*The duties are described in everyday language. This is not a legal document and is based on the Charity Commission's guidance. Further information can be found in their guidance documents 'The Essential Trustee: what you need to know' and the 'Trustee Handbook'.*

### ***Compliance – Trustees must:***

- Ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law
- Ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there
- Comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity
- Act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets

### ***Duty of Prudence – Trustees must:***

- Ensure that the charity is and will remain solvent
- Use charitable funds and assets reasonably, and only in furtherance of the charity's objects
- Avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk
- Take special care when investing the funds of the charity, or borrowing funds for the charity to use

### ***Duty of Care – Trustees must:***

- Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient
- Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties

## ***Duties of Directors***

Trustees are also company directors and they have duties and responsibilities set out in company law. Chapter 2 of Part 10 of the Companies Act 2006 (2006 Act) codifies certain common law and equitable duties of directors. In summary, the seven general duties under the 2006 Act are:

- To act within powers
- To promote the success of the company
- To exercise independent judgment
- To exercise reasonable care, skill and diligence
- To avoid conflicts of interest
- Not to accept benefits from third parties
- To declare an interest in a proposed transaction or arrangement

## ***Eligibility to be a trustee***

The law disqualifies some people from acting as trustees. You will not be able to apply if you:

- have an unspent conviction for an offence involving dishonesty or deception;
- are currently declared bankrupt, or are subject to bankruptcy restrictions or an interim order;
- have an individual voluntary arrangement to pay off debts with creditors;
- are disqualified from being a company director;
- have previously been removed as a trustee by either the Charity Commission or the High Court due to misconduct or mismanagement. It is an offence to act as a charity trustee while disqualified unless the Charity Commission has given a waiver under section 72(4) of the Charities Act 1993.

You will also not be able to apply if you are:

- under the age of 18;
- not entitled to live and work in the United Kingdom;
- “associated” with Birmingham City Council.

The term “associated” means that you are currently a member or an officer of the Council, or have been a member within the preceding four years. (Two members of the Council will be nominated by the Council; these will be the only Birmingham City Council

representatives on the Board of Trustees.)

By submitting your application you are giving consent to the information that you provide as part of your application being stored and used in the selection process. In line with the Data Protection Act 1998 all information about you will be securely held, with access restricted solely to those involved in dealing with your application. Your data will be destroyed after 12 months unless you are appointed as Chair or a trustee.

For further information email Simon Buteux on [simon@birminghamconservationtrust.org](mailto:simon@birminghamconservationtrust.org) or phone 07973 498013.

Birmingham City Council and Birmingham Conservation Trust  
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