



# **THE BARR BEACON TRUST MANAGEMENT COMMITTEE**



## **Annual Report – 2016/17**

### **Council – 10 April 2017**

#### **1.0 Summary of report**

- 1.1 This report presents the work of the Management Committee for 2016/17. The Committee has formally met on 4 occasions and apart from general site maintenance matters, has overseen a number of projects on the site, particularly the culmination of the Heritage Lottery Funded “Raising the Barr” project.
- 1.2 The Committee has ensured that all activities on Trust land have been provided in accordance with the purposes of the Trust and have fulfilled Charity Commission Public Benefit requirements.

#### **2.0 Recommendations**

- 2.1 That the work of the Management Committee be noted.
- 2.2 That the term of office for the Chair and Vice-Chair of the Management Committee be from the first ordinary meeting of the Municipal Year until the first ordinary meeting in the following municipal year and that the terms of reference be amended accordingly.
- 2.3 That the policy statements attached at appendix A be approved.
- 2.4 That the Trust recognises the work of Council officers, the Wildlife Trust and the Friends Group to support the Trust and extends its thanks accordingly.

#### **3.0 Background:**

- 3.1 Barr Beacon is an easily recognised and well used landmark in Walsall and the Black Country, has strong local heritage significance and is a site of ecological importance for nature conservation due to its range of habitats and the wide variety of species that it supports. The land was conveyed to trustees in 1918 essentially to provide and maintain open space for the benefit of the local community and to keep in repair the War Memorial. Walsall Council became trustee following Local Government reorganisation in 1972.
- 3.2 A Management Committee was established in February 2007 in order to deal with the regular administration of the Trusts affairs subject to the Trust being kept informed of the work of the management committee by way of an annual report.

- 3.3 The Management Committee comprises the Councillors for the Pheasey Park Farm, Streetly and Aldridge Central and South Wards, being the areas where the site is located together with the Cabinet Members whose portfolio includes Leisure and Regeneration. Councillor Adrian Andrew is Chairman and Councillor Chris Towe is currently Vice-Chair of the Committee. The Committee is now in its 10<sup>th</sup> year and has met regularly during that time, being open to and supporting and overseeing many new exciting and innovative opportunities for the development of the site for the benefit of local residents and as a wider visitor attraction. The establishment of the Committee has provided more focus on the promotion and management of the land. This has enabled significant external funding to be secured, not only from the Heritage Lottery fund but also through Natural England and other local funding streams.
- 3.4 The current term of office for the Chair and Vice-Chair is for a Municipal Year. This has in previous years, presented operational issues on occasion during the interim period between the end of the Municipal Year and the first meeting of the Committee where there has been no Chair or Vice-Chair to attend to urgent issues. It is recommended therefore that an amendment to the terms of reference for the Committee is made to enable the Chair and Vice-chair to be in place until the first meeting of each Municipal Year to provide for continuity.

#### 4.0 Site Management

##### **The Heritage Lottery Fund (HLF) project – “Raising the Barr”**

- 4.1 The Committee has overseen the implementation of a major three year project worth over £480,000, led by Walsall Council in partnership with the Trust and various local organisations, the detail of which has been reported to the Council in previous annual reports. The project focused on the restoration of the War Memorial, leading to its re-dedication in 2014, and on conservation, landscaping and the provision of a comprehensive programme of events and activities which sought to increase involvement with and use of the site by local communities. The project has now been completed and continues to leave a positive legacy in terms of community interest and involvement in the site.
- 4.2 A final report has been prepared and published by NW Environmental Ltd, supported by the Heritage Lottery Fund, which evaluated the project in terms of meeting its objectives. The report, together with the HLF Monitor gives credit to the project manager, Jeff McBride for the management of the project and states that the project has delivered:-

***“ an outstanding restoration of the Barr Beacon War Memorial ... bringing wide range of activities and benefits to the local community. Awareness and understanding of the project and Barr Beacon is remarkably high amongst local people and site users. Satisfaction levels are high and the benefits of the project are recognised. The project has allowed the War Memorial and Barr Beacon itself to be restored as a focus of local remembrance and pride.***

***We can only judge this project as a wholehearted success, because above all that is how it is perceived by the many thousands of local people who have benefited from it”.***

- 4.3 The Committee was also complementary about the 2016 Remembrance Ceremony and was keen to contribute to the funding of these events in future as it was a key element in promoting the aims of the Trust

## **5.0 Other Grant Funding**

- 5.1 The Committee has supported a number of other initiatives to bid for funding to provide a wide range of opportunities focussing on health and well-being and skills and learning which accords with the Trust purposes and sustains the HLF project aims. A decision on one of the bids to the Department for Communities and Local Government is awaited and other bids are currently being prepared.

## **6.0 Events**

### **“Bands on the Beacon “**

- 6.1 The 2016 event was well received however, the attendance was disappointing with the turnout not sufficient to cover costs and the event resulting in a loss however, despite this, the event attracted interest from a number of external parties to provide the 2017 event.

- 6.2 The Committee has agreed for the Beacon to be used on 2 July for the 2017 event with the delivery of this year’s event being undertaken through a partnership led by Walsall Studio School with the support of the Council and the Trust. The Studio School will be using this as a ‘real-life’ training opportunity for their students and is supported fully by the use of the Schools’ resources and industry contacts.

- 6.3 This year will be the first that has not received funding through the HLF project which has resulted in an increase in ticket prices however, the School intends to provide a larger scale event with any profits being used to fund future events.

### **“Christmas on the Beacon”**

- 6.4 December 2016 saw the first fully commercial event take place on the Beacon which was delivered by a local businessman who had previously been involved in the ‘Bands on the Beacon’ events. The Christmas event received a positive response, attracting around 9,000 visitors. The Committee gave consideration to the benefits to the Trust of the increased popularity of the site and has again allowed the use of Trust land for the event to be held in 2017.

### **Other events:**

- 6.5 The development of the Beacon as the setting for major public events continues to grow and other festival proposals are being considered by the Committee. Proposals include a “Pie & Ale” festival, featuring a Last Night of the Proms theme, in September, which aims to raise funds for Armed Forces charities

- 6.6 Formal agreements are drawn up by the Council’s Legal and Estates services, on behalf of the Trust, for the use of the site by third parties for large scale events. The Committee has recognised that these can sometimes be complex and time consuming and, because of the increasing number of such events, has therefore asked for a formal process to be produced which includes relevant fees in order to provide the event organisers with an idea in advance of required timescales and likely costs.

## **7.0 Activities**

Smaller scale events and activities continue to take place, with the Beacon being a destination for a weekly Health Walk. Blackwood School is also continuing to use the Beacon as a venue for their weekly Forest Schools activities. These sessions are supported by Council officers who are also using it as an opportunity to gain practical experience as part of their Forest Schools practitioner qualification.

## **8.0 The Lodge**

- 8.1 The Committee has approved funding for Health and Safety works to be carried out to the lodge and it is now in use regularly as a base for events and activities, a meeting place for the Friends Group and accommodation for staff working on the site.
- 8.2 In addition, the Committee has approved the use of the lodge by Care First Ltd as a base to provide for programmes of activities for adult learners focussing on general site maintenance, habitat management and developing conservation skills. Care First Ltd is an accredited City & Guilds centre and is able to develop and deliver training programmes designed specifically for this cohort. The Committee considers this to be not only an exciting development for the long term sustainability of the site but will also lead to a City & Guilds qualification for the students participating. The use of the lodge is covered by a formal agreement between the Trust and Care First Ltd which has been drawn up by the Council's legal and estates services on behalf of the Trust.

## **9.0 Site Management**

- 9.1 **Site Security:** Vehicles are still attempting to negotiate the newly installed flow plates at the Beacon Lodge exit during night-time closure. A number of options for covert CCTV cameras are being considered together with other security measures such as illuminated signs and rising barriers at the exit point by the lodge.
- 9.2 **Site Users:** The majority of visitors use the site respectfully however, the Committee is aware of issues involving two user groups which the Committee is actively seeking resolutions to in consultation with all parties. The Committee has agreed a Site User Guide to be distributed locally and displayed on main access points and the situation will be monitored in conjunction with the CCTV system.

## **10.0 Governance matters - Policy Statements**

- 10.1 The Charity Commission recommends that Charities should have policies in place to ensure that it carries out its aims lawfully and to safeguard its funds and assets. Whilst the Barr Beacon Trust falls below the Charity Commission threshold for formal policies to be produced, the Management Committee nevertheless considered it to be prudent and good practice to make a statement to evidence that the Trust has considered these and has appropriate processes in place. These statements should cover overall governance arrangements including conflicts of interest, risk management, financial controls, safeguarding, managing volunteers and dealing with complaints.
- 10.2 Statements in relation to each of these have been produced and agreed with the members of the Management Committee. These are attached as **Appendix A** for approval.

## **11.0 Accounts**

- 11.1 The committee continues to be content for the Council's Finance officers to manage the accounts on behalf of the Trust and accordingly, a finance report has been received at each meeting.
- 11.2 The Trust currently holds 22,496.15 COIF income shares (a specialist charity Common Investment Fund) with a current market value of around £305,016 which are held as a long term investment. COIF charities investment fund has a highly diversified and well-balanced portfolio of investments designed to help meet growth and income requirements of charities.
- 11.3 Having a healthy investment balance provides an annual return of approximately £10,000 based on current dividends being paid. This income is used to fund day to day maintenance of the site. The level of investments also helps to attract significant external funding for major projects on the Beacon.
- 11.4 The committee authorised expenditure for specialist insurance cover, which includes public liability, property damage and trustee indemnity, to ensure that the Trust is adequately protected. This has been arranged through the Councils Risk and Insurance Team on behalf of the Trust.

## **12.0 Annual Return**

The annual return required by the Charity Commission has been completed.



## **13.0 Conclusion**

Over the past year, the committee has worked closely with Council officers to make and plan improvements to the site and has recognised the significant contribution that the Council makes to maintain the open space and to support its future development. The contribution of the members of the Friends Group is also appreciated and the committee looks forward to continuing this relationship in the coming year to ensure that the site remains an asset for the community to enjoy.

Councillor A. Andrew  
Chair, Barr Beacon Trust Management Committee

31 March 2017

### **Contact Officer**

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## **Barr Beacon Trust**

### **Policy Statements**

*The Charity Commission for England and Wales recommends that Charities should have policies in place to enable them to carry out their aims lawfully and to safeguard their funds and assets. Whilst the Barr Beacon Trust falls below the Charity Commission threshold for formal policies to be produced, the Management Committee has nevertheless considered it to be prudent and good practice to evidence that the Trust has considered these and has appropriate processes in place.*

*The following policy statements reflect guidance from the Charity Commission:*

### **Governance**

The Trust recognises that having clear governance arrangements ensures that it operates effectively to enable its land to be safely used in accordance with the purposes of the Trust.

In order to ensure that the management of the charity is kept separate as far as possible from the business of the local authority and provide the clear lines of responsibility, a Management Committee, consisting of Councillors for the neighbouring wards, was established in February 2007. The Committee oversees the day to day operation of the site and financial management. Meetings are held at least three times a year. The Chair and Vice Chair of the Committee together have authority to make decisions on the Trusts behalf between meetings in certain defined circumstances which are reported to the next meeting.

The Council as Trustee retains overall responsibility for the Trust to which the Management Committee reports annually on the activities undertaken throughout the year

### **Conflicts of Interest**

The Trust is aware that charities must be independent, operate solely for charitable purposes and understand that a conflict of interest could arise when the best interests of a trustee (the Council) are, or could be, different from the best interests of the charity itself.

The Trust has recognised that keeping the business of the Local Authority separate to that of the charity can be particularly difficult in respect of the management of open spaces and war memorials and therefore has sought to mitigate this by establishing a Management Committee comprising members who have a detailed local knowledge about the site and of relevant Charity Commission regulations.

All Councillors, as holders of public office, have a duty to declare and resolve any interests in a way that protects the public interest.

Guidance has been produced which defines a conflict of interest and how trustees should act should such a conflict of interest arise. This is attached as **Appendix 1**

## **Risk Management**

The Trust recognises the importance of identifying, assessing and managing risks which the Management Committee undertakes on behalf of the Trust as part of the day to day management of the site.

All reports to the Committee in all areas of its work are required to highlight the associated risks of the matter requiring decision.

The Trust is insured for public liability, property damage and trustee's indemnity.

Formal agreements are drawn up for the use of the lodge and of the site by third parties, clearly identifying areas of responsibility.

With regard to the day to day site management of Barr Beacon, as this is undertaken by the Council's Clean and Green service, the associated risks are incorporated into the normal management processes of the Council and any concerns are reported to the Management Committee as a matter of course.

## **Financial controls**

### **Accounts:**

The Trust accounts are managed by the Council's finance service during the year with detailed financial reports submitted to each meeting of the Management Committee. Accounts are kept separately from those of the Council.

At year end, the accounts undergo a rigorous review process by qualified accountants according to the Charity Commissions Statement of Recommended Practice and are signed by the Council's Chief Finance Officer as Treasurer to the Trust.

### **Investments and Reserves:**

The Trust depends upon income from various investment vehicles to sustain its activities and fulfil its charitable aims as this is the only regular source of income. The level of investments also helps to attract significant external funding for major projects on the Beacon.

Investments and reserves are managed by the Council's finance service as directed by the Trust. Investments are kept separate from those of the Council and include:

- ***A permanent endowment*** held within a relevant investment vehicle
- ***Unrestricted funds*** split between funds held in a relevant investment vehicle and bank balances

Funds are ordinarily invested with specialist charity investment providers which have a well-balanced portfolio of investments designed to minimise risk to charity funds and to help meet growth and income requirements of those funds

The investments are reviewed periodically at the request of trustees to ensure that the investment is appropriate and provides as far as possible, the best returns for the charity.

So that the Trust can monitor overall resilience and retain the ability to meet its charitable aims, the level of reserves is reported to the Management Committee at each meeting as part of the financial report to ensure:

- That the expenditure within any year does not sufficiently deplete the trusts unrestricted funds
- That sufficient information is available for the Committee to make prudent decisions on how to deploy current unrestricted funds

Any growth in reserves is from unrestricted (earned) income.

This policy is reviewed annually and whenever there are significant changes to the Trust's circumstances.

The Management Committee can only spend income from investments. The Council as Corporate Trustee retains the authority approve the sale/leasing of land and the expenditure of capital.

## **Safeguarding**

The Trust recognises that charity trustees are responsible for ensuring that those benefitting from, or working with the charity, are not harmed in any way through contact with it and have a duty to act prudently which means taking all reasonable steps to ensure that this does not happen.

The Council is the Corporate Trustee for Barr Beacon Trust. Whilst Councillors are not directly involved with the activities provided on site, they have a heightened awareness and understanding of safeguarding issues. The Council also provides training for all Councillors.

With regard to on-site management of activities, although children and vulnerable adults ordinarily take part in activities as a group and are accompanied by suitably qualified adults or by parents, Council officers are also fully aware of the need to be alert to safeguarding concerns.

In addition, guidance has been produced setting out the actions, including onward referral of information to appropriate agencies, which should be taken in the event of a disclosure that gives rise to safeguarding concerns. The guidance is attached at **Appendix 2** and is displayed on site in the lodge.

Organisations using the lodge and/or providing events on site are required to have an up to date safeguarding policy.



## **Managing Volunteers**

The Trust does not recruit volunteers directly. Any formal volunteering activities undertaken on the site are via a third party such as the Wildlife Trust.

There is an informal group of local site users known as 'The Friends of Barr Beacon' who meet regularly with Council officers on site to discuss day to day site issues. Notwithstanding the informal nature of the group, any volunteering that members of undertake on behalf of the of Trust, such as unlocking and locking the access barriers to the site, are subject to formal agreements setting out a clear understanding of responsibilities.

## **Paying staff**

The Trust does not directly employ staff. The administration of the Trust and site management is undertaken by employees of the Council on behalf of the Trust.

## **Complaints**

Complaints about the site are usually either directly reported to the Council's operatives on site or are received by the Council through its other normal complaints processes.

In general, complaints are usually low level operational issues, are responded to immediately and are reported to the next meeting of the Management Committee.

Any complaints which are serious, complex or require investment are referred to the Chair and Vice-Chair of the Management Committee who together either approve any urgent actions necessary and report to the next meeting or will call a meeting of the Committee to discuss a resolution.

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Dated: 10 April 2017

## Barr Beacon Trust – Guidance Note

### Conflicts of Interest

#### Definition

A 'conflict of interest' arises when the best interests of an individual trustee are, or could be, different from the best interests of the charity itself. This may be something that affects the trustee directly, or indirectly, through a family member or friend or business partner.

#### What is a Conflict of Interest?

The following are examples of interests:

Interest	Action
You become aware that a friend has requested permission to provide a commercial event on the site which includes a request for the use of the land free of charge.	Declare an interest at the meeting and leave the room whilst the application is considered.
The Council has requested the management committee to contribute to the cost of maintaining Trust land.	The Committee can consider the request but must demonstrate that it has acted in the best interests of the Charity, recording in the minutes clear reasons for the decision made.
You are a member of a Council Committee which is considering a matter which affects Trust land and/or buildings.	Seek advice from the Council's Monitoring Officer

#### Statement of Intent

The Barr Beacon Trust is committed to ensuring its decisions and decision-making processes are, and are seen to be, free from personal bias and do not unfairly favour any individual connected with the charity.

This statement aims to:

- Ensure every trustee understands what constitutes a conflict of interest and that they have a responsibility to recognise and declare any conflicts that might arise for them.
- Document the conflict and the action(s) taken to ensure that the conflict does not affect the decision making of the organisation.

## **Procedure**

When a trustee identifies that they have a potential conflict of interest they must:

- Declare it as soon as they become aware of it;
- Ensure it is minuted;
- Not take part in any discussions relating to the matter;
- Not take part in any decision making related to the matter;
- Not be counted in the quorum for decision making related to the matter.

In the interests of frank and open discussion, a trustee affected by a conflict of interest must leave the room while related discussion / decision making is taking place, unless there is good reason for them to stay.

The minutes should state:

- The declared conflict;
- That the trustee left the room, or the reason they remained;
- That the trustee took no part in discussion or decision making on the matter;
- That the meeting was quorate (not counting the affected trustee);
- Any other actions taken to manage the conflict.

If a trustee is unsure what to declare, they should seek confidential guidance from Democratic Services on behalf of the Clerk to the Trust.

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Dated: 11 April 2017

## **Barr Beacon Trust – Guidance Note**

### **Safeguarding**

#### **1.0 Aim**

- 1.1 To provide a clear procedure that will be implemented where safeguarding issues arise in relation to the work of the Charity and which may be followed in such circumstances by the Trustees or any persons providing support to them.

#### **2.0 Context**

- 2.1 Abuse can occur in any relationship and may result in significant harm to, or exploitation of, an individual. It may include physical abuse, sexual abuse, psychological abuse, financial or material abuse, neglect and acts of omission, discriminatory abuse, institutional abuse, and multiple forms of abuse.
- 2.2 Abuse may consist of a single act or repeated acts and it may occur:
- As a result of a failure to undertake action or appropriate care tasks;
  - As an act of neglect or an omission to act;
  - Where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent.
- 2.3 It may also include victims of domestic abuse, hate crime, homelessness, and anti-social abuse behaviour. The persons' need for additional support to protect themselves may be increased when complicated by additional factors, such as, physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems, poverty or homelessness.
- 2.4 It is essential that the needs of any children within an abuse or domestic violence situation where there is a vulnerable adult involved are acted upon immediately.
- 2.5 The Trustees of the Charity and any other persons who are providing support to the Charity may receive disclosures of abuse or observe individuals who are at risk of or being abused. The procedure provided below will enable them to make appropriate and informed responses to specific issues and concerns.

#### **3.0. Procedure in the event of a disclosure**

- 3.1 The safety of the individual or household is paramount and an allegation, indication or suspicion of abuse must be taken seriously and the information shared with appropriate agencies. This can include but is not restricted to: Walsall MBC Adult Services, Walsall MBC Children's Services, and West Midlands Police.

3.2 It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. Following referral, this is a task for the professional agencies.

In the process of referral, a person acting as the initial point of contact, whether as a Trustee or as a person assisting the Trustees with their work, may undertake the following actions:

- Assessment of whether emergency services are required
- Ascertaining and establishing basic facts, taking notes and obtaining agreement on them, if appropriate.
- Offering support and reassurance
- Explaining areas of confidentiality

The following actions may not be undertaken:

- Being dismissive of any concern
- Making assumptions or promises
- Ignoring an allegation
- Confronting an alleged abuser

3.3 Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of an individual or household.

3.4 A full record shall be made as soon as possible of the nature of the event, disclosure, incident or allegation and any other relevant information.

3.5 If the allegation, indication or suspicion of the abuse becomes evident during the course of a meeting of the Trustees of the Charity, an appropriate note should be entered into the minutes of the meeting.

3.6 If a Trustee becomes aware of an allegation, indication or suspicion of the abuse they should seek confidential advice from Walsall Council Democratic Services which acts on behalf of the Clerk to the Trust.

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Dated: 10 April 2017