

Meeting date: 28 November 2022

Report to: CPH Environment and Infrastructure

Report title: KNOWLE STREAMSIDE TRUST ANNUAL REPORT 2020/21 and 2021/22

Report from: Head of Public Realm

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

1. Executive Summary

- 1.1 Cabinet Member is asked to receive the annual report from the Knowle Streamside Board (KSB) of Trustees.
- 1.2 The key points and considerations of this report are as follows;
- a) Note the financial accounts for the Trust as presented at Appendix 2
 - b) Outline of the completed routine maintenance works
 - c) Review the routine future maintenance works
 - d) Consider the suggested additions to the Committees terms of reference outlined in 4.6 (b) of this report

2. Decision(s) Recommended

- 2.1 The Cabinet Member for Environment and Infrastructure is asked to:
- a) Note the governance and business actions outlined in 4.5 of this report.
 - b) Support the future proposed governance and business actions outlined in 4.6 of this report.

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3. Matters for Consideration

- 3.1 The Streamside Trust was created by a restriction contained within a conveyance to the Council dated 15th April 1947. It is the wording of this restriction that creates the objectives of the Trust.
- 3.2 The Trust is recorded at the Charity Commission as the Metropolitan Borough of Solihull. It is registered at the Charity Commission under charity number 523005.
- 3.3 The Trust objectives are to support the use of the trust land for the use and enjoyment by the public, either as gardens or as public walks or pleasure grounds. **Appendix 1** provides a plan of the Streamside Trust Land.
- 3.4 The Trust assets comprise of the retained land from the Conveyance, together with a capital sum, which is held in a separate account by the Council as part of the charity assets. This can only be used for the benefit of the Trust land.
- 3.5 Up until 2012 there had been no formal governance arrangements in place in respect of the management of the Trust and therefore historically decisions regarding maintenance and management of the land have been made by Officers of the Council. Following discussions with Knowle Ward Members, it was decided that a Trust Management Committee be established to include the Knowle Ward Councillors and representatives from the local community.
- 3.6 Land Adjoining and Accessed by Streamside Trust;

Following Cabinet Member approval in 2017 the KST Management Committee has proceeded with adverse possession of the section of land, as per **Appendix 2**, which adjoins trust land. This land is unregistered and therefore the trust can claim for adverse possession to acquire title after a period of 12 years. The trust completed boundary marking on 3 July 2019. The Trust will continue to maintain this arrangement and keep all maintenance records related to the land for 12 years. If after 12 years no land-owner comes forward to claim the land, the land can be claimed under the Streamside Trust. The Cabinet Member will be kept informed through annual reporting.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 This annual report from the Knowle Streamside Board of Trustees is reporting on the period of 1 April 2020 – 31 March 2021 and 1 April 2021 – 31 March 2022
- 4.2 The membership of Management Committee in 2020/21 comprised of:
- (a) Councillor Rebeiro - Knowle Ward Elected Member (Chair)
 - (b) Councillor Mrs Holl-Allen – Knowle Ward Elected Member
 - (c) Councillor Potts - Knowle Ward Elected Member
 - (d) Peter Hanson – Resident Representative (Secretary)
 - (e) Sue Owen – Resident Representative

- (f) Alan Cooke – Resident Representative
- (g) Lis Hedley – Resident Representative

4.3 The membership of Management Committee in 2021/22 comprised of:

- (a) Councillor Rebeiro - Knowle Ward Elected Member (Chair)
- (b) Councillor Mrs Holl-Allen – Knowle Ward Elected Member
- (c) Councillor Dave Pinwell - Knowle Ward Elected Member
- (d) Peter Hanson – Resident Representative (Secretary)
- (e) Sue Owen – Resident Representative
- (f) Alan Cooke – Resident Representative
- (g) Lis Hedley – Resident Representative

4.4 Due to the COVID-19 pandemic meetings were held by exception only, with meetings held on; 20 October 2020, 18 November 2020, 30 November 2020, 26 July 2021, 7 December 2021 and 7 March 2022.

4.5 The following items outline the business and governance actions that require noting by the Cabinet Member for Environment and Infrastructure as part of this report:

a) Financial Accounts

The financial accounts for the Trust are presented at **Appendix 3** and there are currently no exceptions to report.

b) Routine Management Work

The Committee undertook the following work during the period of 1 April 2020 – 31 March 2022.

- Annual cleansing works
- Routine annual cut and collect of existing grassland completed by Park Rangers and Conversation volunteers in September 2020 and August 2021
- Conversation volunteers undertook coppicing works across the site of willow and hazel during Autumn 2021
- Conversation volunteers removed spiral tree guards from trees on site that were no longer required
- Baseline water quality testing of the brook took place on 11 October 2021 by Solihull Council Ecologists

4.6 The following items outline the business and governance actions that require support from the Cabinet member for Environment and Infrastructure.

a) Proposed Routine Management Work

In terms of general site management, the Committee request the Cabinet Member for Environment and Infrastructure supports the completion of the following future routine maintenance to maintain the Streamside Trust Land.

- Tree maintenance works if required

- Annual cleansing works
- On-going Review of Trust assets
- Any other works as advised by officers and management plan

b) The Committee requests that the Cabinet Member for Environment and Infrastructure supports the following additions (in bold) to the terms of reference.

To 'Membership (f)' with the proposed amendment in bold:

Appointments to the Committee pursuant to c) above shall be for a period of three years, with a maximum of two consecutive three-year terms, after which there will be a minimum of a one year break.

For the purposes of continuity, however, where such a maximum term of years would leave just one or no resident member in post, the Chair shall have the discretion, with the Committee's approval, to allow a Resident Member due to stand down, chosen by the drawing of lots if required, to seek appointment for one further year.

Further to the above addition the current Terms of Reference have no mechanism for change built in, consequently, the committee seek support to add a new section to facilitate future changes, as follows:

The Trustee shall have the right to make changes to these Terms of Reference at any time. Should the Committee wish to propose changes, these shall first be agreed by a majority of Committee members and then presented to the Trustee as a change for consideration.

5 Reasons for recommending preferred option

5.6 N/A

6 Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
People and Communities: 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it.	Involving communities in decision making through committee members On site engagement projects

Priority:	Contribution:
3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive.	
Economy: 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable.	N/A
Environment: 8. Enhance our natural environment, improve air quality and reduce net carbon emissions.	Protection, maintenance and enhancement of natural environment as detailed in this report
9. Promote employee wellbeing	N/A

6.2 Consultation and Scrutiny:

6.2.1 This report has not been considered by Scrutiny

6.3 Financial implications:

6.3.1 The statement of accounts of the Knowle Streamside Way Trust fund at the end of March 2021 was £267,146.07, which took account of the interest accrued and maintenance costs in the 2020/21 financial year.

6.3.2 The latest statement of accounts shows the balance of the Knowle Streamside Way Trust fund to be £269,454.76 as at the end of March 2022, which takes account of the interest accrued and maintenance costs in the 2021/22 financial year.

6.4 Legal implications:

6.4.1 The formalised Knowle Streamside Trust Governance arrangement ensures that the Council discharges its statutory duties as Trustee.

The Council's Corporate Legal team outline that in the absence of any land ownership information for the land adjacent to and accessed by the Streamside Trust land, adverse possession is the most pragmatic option going forward to secure and manage this land, which is already in use by the public.

6.5 Risk implications, including Risk Appetite:

6.5.1 The Corporate Risk Management Approach has been complied with to identify and assess the significant risks associated with this decision/project. This includes (but is not limited to) political, legislation and reputation risks.

6.5.2 Taking responsibility over the land adjacent to the Streamside Trust land and undertaking much needed maintenance operations, will increase safety and reduce the risk to visiting members of the public.

6.6 Equality implications:

6.6.1 The Streamside Trust land is accessible by the general public and classed as public open space. Therefore, the Solihull Parks and Open Spaces Fair Treatment Assessment is relevant in terms of the maintenance and development of this land.

6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

6.7.1 N/A

7 List of appendices referred to

7.1 APPENDIX 1 – Plan of Streamside Way

APPENDIX 2 – Adjacent Land Plan

APPENDIX 3 – Financial Accounts March 2021 and March 2022

8 Background papers used to compile this report

8.1 Enter text.

9 List of Other Relevant Documents

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