

Meeting date: 16 February 2021
Report to: Environment and Highways Cabinet



Subject/report title: **KNOWLE STREAMSIDE TRUST ANNUAL REPORT 2019/20**

Report from: Head of Public Realm

Report author/lead contact officer: Chris Edgell
cedgell@solihull.gov.uk

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

Public/private report: Public

Exempt by virtue of paragraph: (If 'Private', select relevant paragraph below and delete the rest.
If 'Public', delete all paragraph options)

1. Purpose of Report

- 1.1 The Cabinet Member is asked to receive the annual report from the Knowle Streamside Board (KSB) of Trustees.

2. Decision(s) recommended

- 2.1 The Cabinet Member for Environment and Highways is asked to:
- Note the governance and business actions outlined in 3.9 of this report.
 - Support the future proposed governance and business actions outlined in 3.10 of this report.

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 charities 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 The current membership of Management Committee comprises:
- (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
- 3.7 The Management Committee meet at least 4 times per year when deemed appropriate.
- 3.8 The following items outline the business and governance actions that require noting by the Cabinet Member for Environment and Highways as part of this report:
- a) Financial Accounts**
- The financial accounts for the Trust are presented at **Appendix 2** and there are currently no exceptions to report.
- b) Routine Management Work**
- The Committee have undertaken the following work since the previous Cabinet Report in November 2019:
- Annual cleansing works
 - Installation in October 2019 of 37 bat boxes, as per 3.10 (a) of this report
 - Routine annual cut and collect of existing grassland completed by Park Rangers and Conversation volunteers
- 3.9 The following items outline the business and governance actions that require support from the Cabinet member for Environment and Highways:
- a) 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 3**,

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 conservation volunteers, on behalf of the Trust, have installed further posts along the boundary of the adjoining land. This work was completed on 3 July 2019 with further post installation on 30 January 2020 to define further. 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.

b) Proposed Routine Management Work

In terms of general site management, the Committee request the Cabinet Member for Environment and Highways supports the completion of the following future routine maintenance in order 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

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

4.1 N/A

5. Reasons for recommending preferred option

5.1 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:
Economy: 1. Revitalising our towns and local centres. 2. UK Central (UKC) and maximising the opportunities of HS2. 3. Increase the supply of housing, especially affordable and social housing.	n/a
Environment: 4. Enhance Solihull’s natural environment. 5. Improve Solihull’s air quality.	Protection, maintenance and enhancement of natural environment as detailed in this report

6. Reduce Solihull's net carbon emissions.	
People and Communities: 7. Take action to improve life chances in our most disadvantaged communities. 8. Enable communities to thrive. 9. Sustainable, quality, affordable provision for adults & children with complex needs.	Involving communities in decision making through committee members On site engagement projects

6.2 Consultation and Scrutiny:

This report has not been considered by Scrutiny

6.3 Financial implications:

The latest statement of accounts shows the balance of the Knowle Streamside Way Trust fund to be £264,915.91 as at the end of March 2020, which takes account of the interest accrued and maintenance costs up to the end of that period.

6.4 Legal implications:

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 general public.

6.5 Risk implications:

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.

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:

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.

7. List of appendices referred to

7.1 APPENDIX 1 – Plan of Streamside Way

APPENDIX 2 – Financial Accounts March 2020 (As at 31 March 2020)

APPENDIX 3 – Adjacent Land Plan

8. Background papers used to compile this report

8.1 None.

9. List of other relevant documents

9.1 None.