

BROMSGROVE DISTRICT COUNCIL

Cabinet

6th April 2011

BROMSGROVE WAR MEMORIAL – CHANGE OF CHARITY NAME

Relevant Portfolio Holder	Cllr G Denaro
Relevant Head of Service	Teresa Kristunas - Finance & Resources
Non-Key Decision	

1. SUMMARY OF PROPOSALS

1.1 This report seeks Cabinet approval to agree to the transfer of the license on the Amphlett Hall site in Crown Close, to the Bromsgrove Armed Forces Memorial Fund from the original name of THANKSS Charity (To Honour and Acknowledge those Killed and Still Serving) as the members of the organisation have changed the name. As agreed by Cabinet in June 2010, this license is for the erection of a memorial/tribute and appropriate rights of way for services and remembrance. The licence would be subject to the usual probity and audit checks and conditions related to the charity.

2. RECOMMENDATIONS

2.1 The Cabinet is recommended to:

2.1.1 approve the grant of a licence to Bromsgrove War Memorial Fund (previously known as THANKSS) for land situate at Amphlett Hall in Bromsgrove for the purpose of erecting a war memorial and that this approval be subject to the Bromsgrove War Memorial Fund becoming a registered charity and producing a business case to demonstrate the viability of the project;

2.1.2 agree that authority be delegated to the Section 151 Officer in consultation with the Portfolio Holder for Community to agree the detail of the business case and design of the memorial.

3. BACKGROUND

3.1 As members will be aware a report was presented on 2nd June 2010 to request approval to grant a license to the THANKSS organisation as they were hoping to register as a charity and raise sufficient funds to develop a memorial/tribute for the armed forces on a land near Amphlett Hall. This report is attached at Appendix A to update Members of the detailed background to the request.

3.2 Recently, officers of the Council have been contacted to be advised that the organisation have now changed their name to “Bromsgrove

War Memorial” as this name more clearly reflects the aim of the charity in the development of the memorial/tribute and will be easily identified by the community when funds are being raised.

4. KEY ISSUES

- 4.1 The granting of the license will be formally agreed once the charity is registered and subject to the development of a business case to demonstrate the viability of the project.
- 4.2 As reported last year there are a number of checks that would need to be in place to safeguard the Council’s position, specifically
- Bromsgrove War Memorial Fund achieving its charity status
 - The production of a business plan to deliver the three stages of the project
 - The monitoring of the project by the Council’s Section 151 Officer to ensure probity
 - Consent of the Church Commissioners for the project to proceed
- 4.3 On planning considerations the proposed memorial/tribute will be sited on an area of Open Space within the Town Centre Conservation Area. Although planning permission will be required, the memorial/tribute will add an element of visual focus and would not appear out of character with the area given that the Burma Star Association war memorial already sits with the same area. However the design and specific siting will be the subject of negotiation with the Charity.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial costs associated with the project but it will need to have a detailed business case and progress will need to be measured to ensure it achieves the agreed outcomes.
- 5.2 It is proposed that future maintenance costs be funded from existing budgets relating to grass cutting and street cleansing. This will be assessed as part of the design review to ensure minimal ongoing maintenance costs are required. In addition insurance will be addressed as part of the liability insurance once the design has been agreed.
- 5.3 The intended site for the memorial/tribute is on Open Space Land and as such cannot be developed commercially.

6. LEGAL IMPLICATIONS

- 6.1 This land was purchased in 1899 from the Ecclesiastical Commissioners for England and the 1899 Conveyance imposed a covenant that the land would be used as “an open space and public recreation ground and for no other purpose whatever except with the previous consent in writing of the Ecclesiastical Commissioners”.
- 6.2 There is nothing to prevent the Council from disposing of part of the land but the restriction on use would continue to affect the land disposed of and any subsequent owner would need to satisfy themselves that their use of the land did not breach the use restrictions or alternatively obtain the consent of the Church Commissioners for that use.
- 6.3 As previously stated there is of course already a war memorial on the site. The Burma Star Memorial which was erected around 1982 authorising the Trustees of the Burma Star Association to erect the memorial on Council land. The Licence was for a period of 21 years to continue thereafter on a yearly basis until terminated but it was actually surrendered in 1987 when the Council agreed to maintain the memorial at its own expense.

7. POLICY IMPLICATIONS

- 7.1 There are no policy implications contained with in this report.

8. COUNCIL OBJECTIVES

- 8.1 The development of the site will support the community leadership objective for the Council.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The main risks associated with the details included in this report would result from the charity being unable to register or the lack of funding raised. These risks will be mitigated as the S151 officer and Monitoring officer will ensure that no formal license is granted by the Council until a robust business case is presented to demonstrate the viability of the project by the charity following its registration.

10. CUSTOMER IMPLICATIONS

- 10.1 The erection of a dedicated memorial to the armed services will give a focus point for the community to acknowledge the dedication of the services and give a site to reflect and worship.

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11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 There are no equality and diversity implications with in this report.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 There are no direct VFM, procurement or asset management issues contained with in this report.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 There are no direct climate change, carbon or bio diversity implications with in this report.

14. HUMAN RESOURCES IMPLICATIONS

14.1 There are no HR implications with in this report.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 There are no governance or performance implications with in this report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 There are no direct Community Safety or Section 17 implications with in this report.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 There are no direct health inequalities contained with in this report.

18. LESSONS LEARNT

18.1 N/A.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 N/A

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	YES
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Chief Executive	YES
Executive Director (S151 Officer)	YES
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	YES
Executive Director – Planning & Regeneration, Regulatory and Housing Services	NO
Director of Policy, Performance and Partnerships	NO
Head of Service	NO
Head of Resources	NO
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	NO

21. WARDS AFFECTED

All Wards

22. APPENDICES

Appendix A – Report to Cabinet 2nd June 2010

23. BACKGROUND PAPERS

N/A

24. KEY

N/A

AUTHOR OF REPORT

Name: Jayne Pickering
E Mail: j.pickering@bromsgrove.gov.uk
Tel: (01527) 881400