

## Stirchley section 106 money meeting 4<sup>th</sup> April 2017

Minutes: Chris Tomlinson

Chair: Dave Martin

Apologies: Cllr Locke, Kerry Leslie, Phil, Liz Clements, Su Jones, Kieran

Minutes from previous meeting accepted

Wayne Pell-Walpole: confirmed that the 106 money is in the council's coffers to be spent in Stirchley. Since there are no neighbourhood officer's consultation will not be taking place through him or her. Because there are a large number of community groups, a high level of engagement and not enough staff in the council it is up to community groups in Stirchley to decide for themselves how it will be spent..

Kat: It's not acceptable to say that community groups have to 'fight amongst ourselves' so is there any way that we can say that BCC should have more funding so that we wouldn't have to work with fewer resources than for instance Manchester.

W P-W: There are only really two limits on what the money can be spent on public realm and within this geographic area. Public realm is a very broad category. Roughly speaking it must be within line of sight of the TESCO site. A stone's throw.

Emma: Can we be clearer about the 'line of sight'. What does it mean?

W P-W: It comes from the planning consent document. You could come up with a plan and come up with a question. It's going to be a case of asking a specific question of a planning officer.

The planning officer is Alison Powell, but ideally they should come through the group which is formed.

Steven: If a new enterprise was in for instance the Wickes site would that count?

Kat: Would Alison Powell be able to give us a plan of what is line of sight?

W P-W: Probably not. I'll ask her.

Emma: That would be very long-winded.

Rose: Couldn't we just try our luck with a line-of-sight proposal?

W P-W: Good idea – come up with a few projects and we'll see what she says.

Pump track: Could the sum be broken down?

W P-W: Yes. We've covered the area, now we need to say that it needs to be a sustainable project. I.e. it needs to deliver future benefits to the area. Christmas lights wouldn't be sustainable because of the maintenance for example. The maintenance is the main cost.

Kat: You've mentioned that somebody would have come to consult previously, but we haven't been given specific criteria, so it's hard for us to come up with proposals that will meet aims.

W P-W: The best I can do is to give you the section 106 agreement. The city council is not going to put restrictions over and above this.

Sandra: The section 106 agreement states that it should be used on the Stirchley street site (the old reclamation site).

Kat: It's already asking a lot of time from the community so it would be helpful if we could have more details rather than just having put ideas forward.

W: I'll give you the agreement.

Rose: Can't we just try some projects and see what works?

Liam: It takes a lot of people time to do a lot of work to get projects together, so it's better not to have to get reactive approval.

W P-W: The money is here for Stirchley – it's how you divide it up. The bidding process – the projects that you develop you need to develop together. What are the key things that you want to develop. We would only have to go back to TESCO once we're far along with the projects. I'd want to not keep them too involved.

Liam: From my understanding the reclamation yard is within the red line of the TESCO development. Therefore it's not within the section 106 agreement.

W P-W: You can use 106 within the site boundary; there was also section 278 money for highways work. This 278 money has not been transferred because the road layout change is not going ahead.

Steven: Sustainability is a bit of a catch 22. Once the funding runs out how could it be sustainable?

W P-W: I'd suggest looking at projects that are self-funding. An example would be project funding for a community market. I'd be supportive of pump-priming a business that would be sustainable because you'd be helping an entrepreneur.

Kat: What's the definition of sustainability?

W P-W: There is no definition of sustainability. But it's financial sustainability.

Peter Walker: Does the reclamation yard still belong to TESCO?

W P-W: Yes.

Matt (Stirchley Pump Track): Can we use it for match funding?

W P-W: Yes.

Sunanda: Shall we return to the initial purpose of this meeting, which is how we can set up an expert organisation to deal with this? One of its jobs will be to deal with these kinds of questions with the council.

W P-W: I'll be available at least a couple of hours a month, probably on the last Thursday to support the formed team.

Teresa: What are the timescales, because we're keen to move quickly and it sounds like it's going to be a long-winded process. Does each project have to be done sequentially?

W P-W: It is up to you. You can bring forward projects when you want.

Dave: Some groups in the area have looked at legal structures that we could use to facilitate this process. The two potentials

Chris: Outlining various neighbourhood structures (see attached). Chris is recommending a community benefit society structure.

Theresa: Thanks for doing this.

Rose: If we go for a CBS would this allow for payment to people who have done work?

Chris: Yes – the restriction is on distributing profits like dividends. That's what the asset lock is for.

Kerry: This is all new to me, which do you think is the best?

Chris: I think that CBS is the best one. Shouldn't make a decision now, should come back to it in a week. From the options I think that CBS is the best. Charities I ruled out.

Sunanda: Charities are not appropriate would take time and would not be as easy to establish.

Liam: Charitable status can be added

Sue: No real reason to make a decision tonight should take this home and think about it.

Dave: That is the point of tonight.

Matt: Is it absolutely necessary that we have to set this up. What is the advantage in formalising it?

Sunanda: BCC want to hand over the money, they could give it to an individual but that would be fraught with challenges.

Man: Could we not come together and discuss this or is that what this is?

Rose: There are groups in Starchley who have the legal structure e.g. Starchley, the Way Forward and could take the money but we all decided that this wouldn't be fair and that we need to think about how we distribute the money.

Roxy: Both of these structures which have been presented are they co-operative structures? Are there other types of structures?

Chris: CBS is a new type of structure, and it's a co-operative one. There are lots of regulators so it's a case of picking the correct structure. They're all fairly new. CICs are making a profit or surplus, this isn't really what we'd be doing. CICs could be a co-operative, but they don't necessarily have to be. CBS the beneficiaries are the wider communities?

Roxy: There area talks about a board of directors, is there a hierarchy?

Chris: Co-ops have to have defined roles but it's not necessarily a hierarchy. We can choose how we make decisions but it might involve more legal involvement or regulation. The rules reflect the membership of the organisation.

Steven: The decision making is the interesting bit. How do you define member or shareholder?

Chris: CBS one member one vote, all members are shareholders. Could be a very broad membership and then once a year directors would be elected. It has accountability but it doesn't mean you need to have everyone in a room for decision making. Although you could decide that for either idea.

Emma: The chap in the middle (Matt) before we go down the bureaucracy route, we don't want to stifle the creative process, don't want the tail to wag the dog, need to understand what demand that there is out there. Might be that this falls beneath the amount of money. Bureaucracy can consume time and money.

Dave: it's about a structure that can deal with the council effectively.

Chris: Wayne has said that we need to be incorporated; we need to create a new structure to deal with the money.

Emma: We need to make sure that we separate the two things.

Dave: I don't think that will be the case; there have been talks about it being an open and honest process. To feed into the correct way into BCC.

Emma: So long as that committee isn't the arbiter.

Susan: The councillors need to be on board, and we don't think this will be a problem.

Ryan from the British Oak: Who will make the final decision on this? Can't we just apply to whoever makes the final decision? Do we have to decide who makes it ourselves?

Rose: The problem isn't with who make the final decision, it's more like which projects get put forward and making sure it's representative.

Dave: We want to make sure there isn't a lot of crossover – it's about making sure that people aren't duplicating their efforts.

Roxy: It wouldn't be good to have a bureaucratic formality imposed upon this kind of space. I hope whatever structure we choose won't restrict that. It would be good to do feasibility work together, allocating ideas from a long-list to suitable community groups.

Rowena: Why do we need to form an organisation if we're not going to have the money in our account?

Alan: We won't be able to informally sit a round in a group to organise the bids for each individual group. We need to set up a legal structure quite soon. Let's form a group and have people bid to this and thence to the council. It's community money and councillors don't have to be part of the legal structure.

Dave: They're not part of the group, but they would effectively have power of veto over spending.

Kat: I feel like we've given the council a lot of leeway here. It's not good enough for them to say that things like line of sight don't have a legal definition. If they're not

BCC is the only council in the country that doesn't define them. We should make sure that we hold them accountable in the same way that they're holding us accountable.

Matt: If the council are the sole arbiters why form a structure. It's going to be a bun fight.

Rowena: Aren't you putting people off by doing the dull bit first?

Rose: There needs to be a certain amount of bureaucracy. We need to have a legal structure to have the level of fairness and accountability.

Liam: The point is we've got dozens of community groups in Stirchley and sitting round a table and chatting isn't going to get us anywhere. The point of setting up a single group is so that we can have an effective arbiter. We can have a single point of contact.

Roxy: We need to iron out the formality, but who's going to represent the people in this room? Should we just delegate a smaller group to decide on the structure?

Emma: We're all doing this for the same reason. There's obviously some boring bureaucracy that we need to minimise so that we can emphasise the high value stuff.

Liz: Does the structure have to administer the £170k? Whoever buys the TESCO site will have to pay another lot of S106 fund. Brevity will be a key factor in using the money constructively.

Kat: Should people put themselves forwards now for this smaller group so that we can make progress?

Teresa: Why nine?

Chris: We need to have an odd number so we don't have split decisions; it seems like a large enough number of people without being too unwieldy.

Emma: What about conflicts of interests?

Roxy: There are mechanisms for this which involve having a register of interests.

Kerry: I'm in lots of groups, would that be a problem?

Rose: No.

Dave: Any of the committee meetings would be open to any of the residents. Things like the bank account would have open access in terms of the look-up. It's just about co-ordinating groups and getting the money successfully.

Roxy: Birmingham Open Spaces forum is a company that represents a load of groups.

Kings Norton Farmers Market: Those people who are interested in being involved in the formation of a group or a CIC need to put their name down.

Kat: Is it groups or is it individuals

Dave: Individuals

Kerry: People need to state their interests

Chris: It should be people who are there to represent an organisation rather than their own self-interests.

Steven: There's no business group how would this be represented.

Rose: There's STWF and that is a traders' group

Susan: STWF takes a lot of time to speak to all of the traders and to represent this interest.

Chris: Roxy was talking about a forum which would be a consortium...

Kings Norton...: Either way we have to account to the people of Stirchley.

Chris: What is fairer, getting nine people from Stirchley and getting their perspective, or getting people who are representative of those people who are part of groups?

Kat: there need to be a mechanism for people to feedback who aren't part of those groups.

Rose: Maybe on Facebook or online.

People who put their names forwards to be on the committee:

Susan, Chris, (Stirchley, the Way Forward) Dave,(Friends of Hazelwell Park)  
Rose, Sunanda, (Stirchley Community Group) Liam,(StWF) Ryan,(British Oak),  
Rowena, Pete,(Neighbourhood forum) Emma,(Reclamation Artists( Theresa, Roxy,  
Kerry ( Stirchley Market, Friends of Stirchley Market).Kat.(Resident)

## **AOB**

Minutes, future agendas will go on STWF's website. [www.stirchleytwf.co.uk](http://www.stirchleytwf.co.uk)

**Chris** to email Wayne and ask if the money will be going into this new group's bank account, or will it be paid to individual groups.

Roxy: Wayne's trying out a new way of working. It's an emergent process. He's trying to be innovative.

Kerry: Let's pick a date with a doodle poll.

Rose: None of this is compulsory! We're here because we love Stirchley.

Next meeting: to be set