



Special Meeting of the Ernest Stevens Trusts Management Committee

**Tuesday 9th September, 2014 at 6.00pm
In Committee Room 2 at the Council House, Priory Road, Dudley**

REVISED AGENDA

Agenda – Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting on 21st July, 2014 as a correct record.
5. To receive a verbal update on the parking issues at Mary Stevens Park.
6. Mary Stevens Hospice – Request to grant a lease to Dudley Group NHS Foundation Trust and additional building works.
7. Wollescote Park, Wollescote Road, Stourbridge – Grant of a Licence.

A handwritten signature in dark ink, appearing to be "P. Z.", is written over a horizontal line.

Director of Corporate Resources

Dated: 5th September, 2014

Distribution:**Members of the Committee:**

Councillor J Cowell (Chair) - Quarry Bank and Dudley Wood Ward
Councillor M Hanif (Vice-Chair) - Lye and Stourbridge North Ward
Councillor I Kettle - Pedmore and Stourbridge East Ward
Councillor I Marrey - Wollaston and Stourbridge Town Ward
Councillor G Partridge - Cradley and Wollescote Ward
Councillor H Rogers - Norton Ward

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- Please turn off your mobile phones and mobile communication devices during the meeting or set them to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Helen Shepherd, Telephone 01384 815271 or E-mail helen.shepherd@dudley.gov.uk

Minutes of Ernest Stevens Trusts Management Committee

Monday, 21st July, 2014 at 6.00 p.m.
In Committee Room 2, the Council House, Dudley

Present

Councillor J.Cowell (Chair)
Councillor M.Hanif (Vice-Chair)
Councillors I Kettle, I Marrey and H. Rogers

Officers

Ms M Wilcox, Interim Principal Lawyer, Ms R.Cooper, Group Accountant and Mr J.Jablonski (Assistant Principal Officer (Democratic Services) (All Directorate of Corporate Resources).

1 Apology for absence

An apology for absence from the meeting was submitted on behalf of Councillor G Partridge.

2 Declarations of Interest

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillors J.Cowell and M.Hanif – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

Councillor H. Rogers – Non-pecuniary interest as Chair of the Friends Group for Mary Stevens Park and Swinford Common. Also in relation to her involvement with the Project Implementation Team - Heritage Lottery Bid for Mary Stevens Park and attendance at stakeholder meetings.

3 Minutes

Resolved

That the minutes of the meeting held on 28th April, 2014 be approved as a correct record and signed.

4 Terms of Reference of the Committee

A report of the Director of Corporate Resources was submitted on the revised terms of reference of the Committee, as approved by Council on 2nd December, 2013. The Council had extended the terms of reference to include all trust land within the Borough.

Arising from consideration of the report, Members commented on the content of paragraph 12 of the report and on the car parking position at Mary Stevens Park and adjoining areas.

In respect of paragraph 12 it was considered that the content of the paragraph should be deleted and replaced with alternative wording in effect replacing the substitution suggested with the invitation of Members, as appropriate.

Regarding car parking at Mary Stevens Park, Councillor Rogers made the following principal points –

1. the car park was not a Council owned car park, as it was included in the deed of gift, although it appeared to be treated as if it were, and the public could not be excluded from using the car park. Issues were also being raised about controlling access to car parks and in relation to a public right of way and disabled access route, which again were contrary to the terms of the deed of gift.
2. the increase in numbers of officers being and to be accommodated at Mary Stevens Park had given rise to the parking problems affecting visitors and users of the park
3. no feasibility study or survey had been done of the impact of the increased staffing with regard to parking leading to complaints by the public and users at the lack of parking
4. this committee had not been consulted on the proposals regarding increased staffing in the building and its impact on car parking although these aspects impacted on the terms of reference of the committee and impacted on the role of the committee as trustees. It was considered that the committee needed to uphold the terms of the deed of gift.
5. the car parking situation was having an adverse effect on the use of the park which was particularly serious given the proposals for the making of a Heritage lottery bid. The matter therefore needed to be resolved.

In response to the comments made, the Chair reported that she was aware of the issue raised and acknowledged that the car park was not a council car park. The matter had also not previously been formally reported to committee as there had been no fundamental change of use.

It was also the case that a review of the arrangements at Mary Stevens Park was currently being carried out and it was suggested that Councillor Crumpton, Cabinet Member for Children's Services and Lifelong Learning, be invited to attend a meeting of this committee to report on the outcome of the review so that the committee could consider and make any recommendations it considered appropriate.

The Chair indicated that she would also speak to Councillor Crumpton and relevant Officers on the points raised.

Resolved

1. That, subject to the deletion of the wording of paragraph 12 of the report and the substitution of the following wording there for –

That, in occasional cases, where the Ernest Stevens Trusts Management Committee is dealing with matters not relating to the Ernest Stevens Trusts, individual Ward Members of the Council will be invited to attend and speak on the area concerned, the report submitted on the revised terms of reference of this committee, be noted.

2. That further consideration be given to the issue of car parking and related matters at Mary Stevens Park, as raised at this meeting, at a meeting of this committee to be held prior to the October 13th meeting of Council and that Councillor Crumpton, Cabinet Member for Children's Services and Lifelong Learning, also be invited to attend the meeting to report on the outcome of a review into arrangements at Mary Stevens Park so that this committee could consider the issues further and make any recommendations it considered appropriate.

The meeting ended at 7.05pm

CHAIR

Ernest Stevens Trusts Management Committee

Report of the Assistant Director of Corporate Resources (Law & Governance)

Mary Stevens Hospice – Request to Grant Lease to Dudley Group NHS Foundation Trust and Additional Building Works

Purpose of Report

1. To consider the request to grant a lease to Dudley Group NHS Foundation Trust.
2. To consider the request for additional building works to the Hospice.
3. To consider the creation of an emergency entrance/gate next to the lottery building which would also serve as a fire exit route from the grounds for that office block.
4. To consider the creation of 12 dedicated additional parking bays on the grassed areas opposite the Hospice.

Background

5. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
6. The lease to Mary Stevens Hospice at Clause 2(12) requires the tenant not to at any time during the continuance of the term hereby granted, erect or permit to be erected any additional buildings without the consent in writing of the Council and in the event of such permission being given permission from any planning authority should be gained.
7. Clause 2(21) contains a covenant against subletting.
8. It is proposed that Dudley Group NHS Foundation Trust be granted a 3 year lease agreement of part of the Hospice at a market rent to be negotiated and agreed and excluded from the Landlord and Tenant Act 1954. The occupiers will be Macmillan and the Community Palliative Care Support Team.
9. Approval was granted by the Ernest Stevens Trust Committee for an extension and internal refurbishment works under P13/0654. However, there are some additional works proposed which are internal and non-structural therefore will not require landlord's consent. However, it is proposed that additional works be undertaken which will affect the exterior proportions of the property; first 3 existing patient bedrooms as marked on the plan as "Phase 2" will be refitted with exits doors to the courtyard in line with the new commissioned rooms in Phase 1. This will be achieved by removing the existing windows and base of the wall (directly

underneath each window) and replacing these with an exterior door (same design as the 3 new bedrooms in Phase 1).

10. The existing bridge across from the Day Unit to the Lymph Care/Seminar rooms prevents the access for the fire service to drive underneath into the car park. In order to provide a solution following liaising with the fire service, the proposal is to create an emergency entrance/gate next to the Lottery building which will also serve as a fire exit route from the grounds for office staff. The proposed location will be in a remote corner of the grounds and in order to deter intrusion, a coded padlock would be used.
11. The Hospice are also considering creating 12 dedicated additional parking bays on the grassed areas opposite the Hospice. The additional spaces will help aid congestion and will coincide with the ending of an allowance to park on the green verges. Please see plan attached for your perusal.
 - Opposite Lymphcare adjacent to the main drive way the current path and flags stones would be cut into to make 3 drive-in spaces.
 - Adjacent to the day unit the proposal is to create 5 spaces following the bend of the road (opposite the park gates).
 - A further 2 bays for 2- 3 cars in between the existing trees.

This will be subject to planning consent due to the close proximity of the Site of Importance for Nature Conservation (SINC) and a Site of Local Importance for Nature Conservation (SLINC) to the proposed areas of development.

Finance

12. There are no financial implications to the Trustees

Law

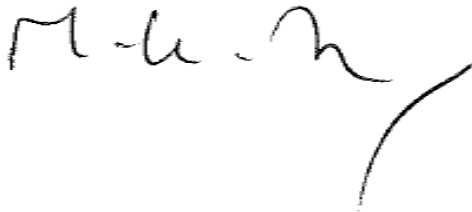
13. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
14. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions and where the gifts are for the purposes of benefiting the inhabitants of their area.
15. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Equality Impact

16. The proposal takes into account the Council's equal opportunities policies.

Recommendation

17. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to allow the above proposed works and to approve the lease to Dudley Group NHS Foundation Trust. All on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.

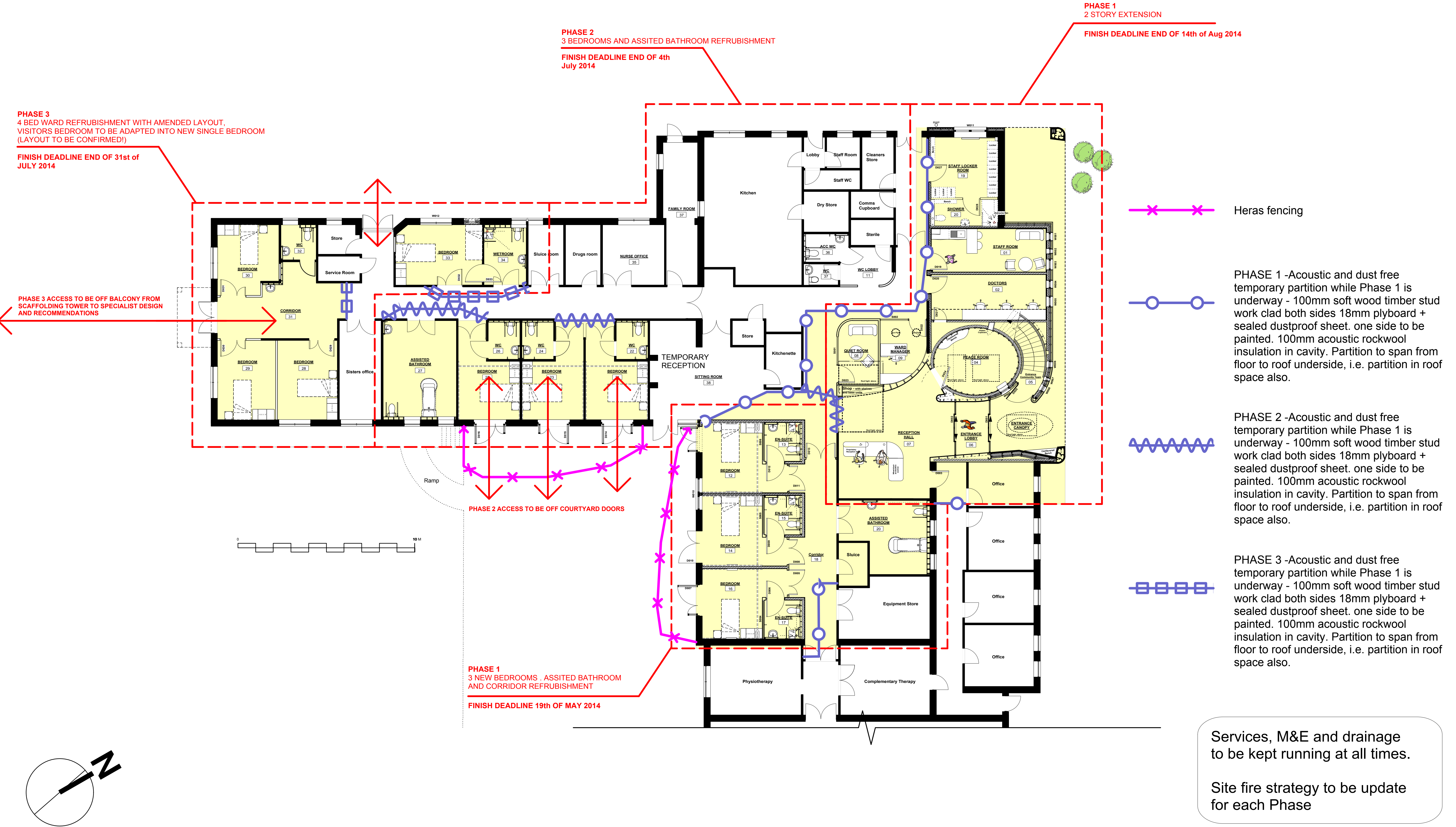


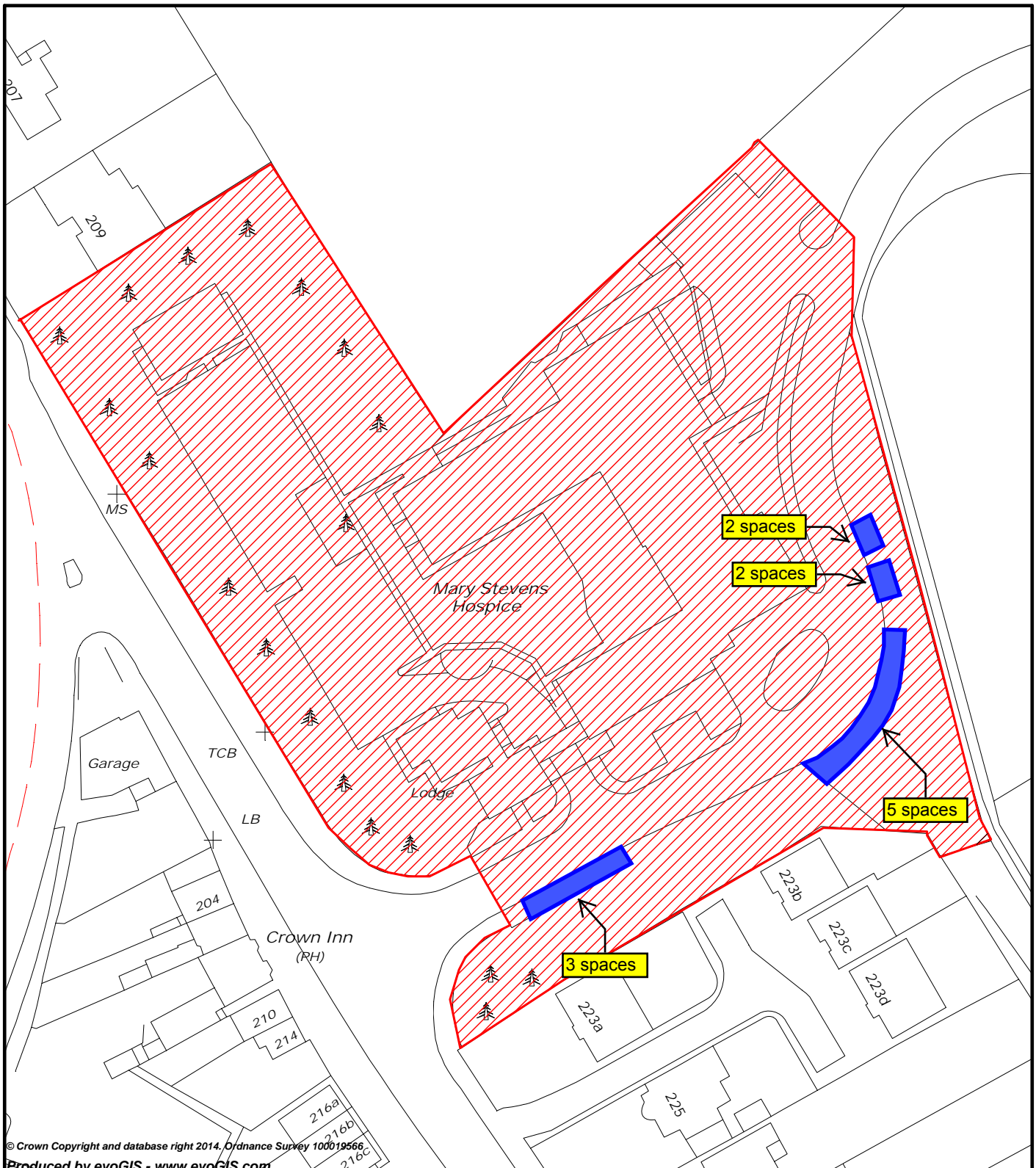
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Mohammed Farooq
Assistant Director of Corporate Resources (Law & Governance)

Contact Officer: Sonia McLean – Property Manager
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List of Background Papers:

- Drawings of the proposed works.



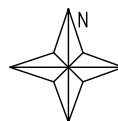


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TITLE:

**Mary Stevens Hospice
Hagley Road
Stourbridge**

05502/LMCN



SCALE:

1 : 800

DATE:

30-JUN-2014

Law and Governance

Directorate of Corporate Resources

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Dudley
Metropolitan Borough Council

Ernest Stevens Trusts Management Committee

Report of the Director of Corporate Resources

Wollescote Park, Wollescote Road, Stourbridge – Grant of a Licence

Purpose of Report

1. To consider the request for a licence to be granted on the grounds of Wollescote Park, Wollescote Road, Stourbridge in order for the erection of additional changing facilities.

Background

2. Wollescote Park is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of Trustee has been delegated to the Ernest Stevens Trusts Management Committee in the Council's constitution.
3. Crystal Bowls Club has been in occupation of rooms on the first floor of Wollescote Hall for a number of years, jointly with the Black Country Bowls Club and the Sons of Rest.
4. It is proposed that a licence be explored in order for the erection of an additional building, with services connected, within the walled area of Wollescote Park (the precise location is yet to be determined, but would depend on the accessibility of available services). The new building will contain changing facilities available to other bowlers, tennis players and local friends of the Park.
5. Crystal Bowls Club will be applying to obtain funding/grants available and therefore requires the consent of the Trustees for the development to go ahead.

Finance

5. There are no financial implications to the Trustees

Law

6. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
7. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions and where the gifts are for the purposes of benefiting the inhabitants of their area.

8. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993 and the Trustees Investment Act 1961.

Equality Impact

9. The proposal takes into account the Council's equal opportunities policies.

Recommendation

10. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to approve the above licence for the proposed erection of additional changing facilities at Wollescote Park, Wollescote Road, Stourbridge on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.



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Philip Tart
Director of Corporate Resources

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