

Ernest Stevens Trust Management Committee – 21st July, 2014

Report of the Director of Corporate Resources

Terms of Reference of the Committee

Purpose of Report

1. To advise the Committee of its revised terms of reference as approved by the Council on 2nd December, 2013.

Background

2. The Council is the Trustee for the four Ernest Stevens Trusts. In previous years, the Ernest Stevens Trusts were combined under the delegated powers and terms of reference of the former Stourbridge Area Committee. The Area Committees were subsequently replaced by Community Forums in 2012/13.
3. The Council approved revised governance arrangements for the Ernest Stevens Trusts and a report was submitted to this Committee on 22nd April, 2013. In effect, the Council established a separate Management Committee to administer the affairs of the Ernest Stevens Trusts. This is effectively the position that existed before the former Area Committees were created. The governance arrangements are summarised below for background purposes.
4. Ernest Stevens made various donations of property, which were to be used for specified purposes. These have been identified as individual Trusts as detailed below:
 - i. Stevens Park, Quarry Bank
 - ii. Mary Stevens Park, Recreation Ground and Park, Norton
 - iii. Stevens Park and Recreation Ground Foundation, Wollescote
 - iv. Mary Stevens Maternity Home and Public Park Charity
5. Only the Stevens Park and Recreation Ground Foundation, Wollescote, has investments, which generate income for disbursement resulting from the decision to exchange the Hob Green Farm gifted in the original deed dated 29th September 1930 for Jordan Field and £88,500.
6. The original deed of gift was to the Urban District Council of Lye and Wollescote and was varied by a scheme dated 24th May 1966. This allows the net income of the Stevens Park and Recreation Ground Foundation to be applied in the following ways:
 - a) Maintenance of the Stevens Park and Recreation Ground Foundation property.
 - b) Acquiring property for the Stevens Park and Recreation Ground Foundation.

- c) Maintenance of property in gifts dated:-
 6th December 1929 Mary Stevens Park
 13th February 1931 Mary Stevens Home and Public Park.
- d) The provision of facilities for recreation or other leisure time occupation, being facilities provided with the object of improving the conditions of life for persons resident in the Borough of Stourbridge (see paragraph 9).
- e) If the net income of the Trust cannot be applied in accordance with a)-d) above, it can be applied for other charitable purposes for the benefit of persons resident in the Borough of Stourbridge.
7. In 2001, the Charity Commission confirmed the opinion that because the Council uses its mainstream budget to maintain all the property in the trusts, it is permitted to give grants under paragraph (e) above.
8. In applying the money the Trustees shall give a preference to the area of the former Urban District of Lye and Wollescote and to meeting the needs of the people resident therein.
9. The Borough of Stourbridge relates to the boundaries in 1966, which currently covers the wards of Pedmore & Stourbridge East, Norton, Wollaston and Stourbridge Town, Lye and Stourbridge North and Cradley and Wollescote. Stevens Park, Quarry Bank is geographically located in the Quarry Bank and Dudley Wood ward.
10. As a formal Committee of the Council, this Committee is subject to the proportionality rules set out in the Local Government and Housing Act 1989. To reflect the geographical areas covered by the Trusts, the Council has agreed that the Management Committee should comprise six elected members, one each from the six wards referred to in paragraph 9 above. The appointments made by the Council for the 2014/15 municipal year are as follows:-
- Cradley and Wollescote – Councillor G Partridge
 Lye and Stourbridge North – Councillor M Hanif (Vice-Chair)
 Norton – Councillor H Rogers
 Pedmore and Stourbridge East – Councillor I Kettle
 Quarry Bank and Dudley Wood – Councillor J Cowell (Chair)
 Wollaston and Stourbridge Town – Councillor I Marrey
11. On 2nd December, 2013, the Council approved a report on the annual review of the Constitution. The report referred to the terms of reference for the Ernest Stevens Trusts Management Committee and it was approved that these would be extended to include all Trust land within the Borough. It was considered appropriate for this general power to be allocated to a 'non-executive' Committee.
12. It was also agreed that, in occasional cases, where the Ernest Stevens Trusts Management Committee is dealing with matters not relating to the Ernest Stevens Trusts, substitution will be permitted from the wider political groups to enable the appointment of ward councillors for the area concerned for consideration of that business only.

13. Attached, as Appendix 1, are the revised terms of reference as approved by the Council on 2nd December, 2013. A more detailed report was considered at the last meeting of this Committee held on 28th April, 2014 concerning the trust land within the Dudley Borough.

Finance

14. This Committee is responsible for the administration of the Trusts, including the financial affairs of the Trusts.

Law

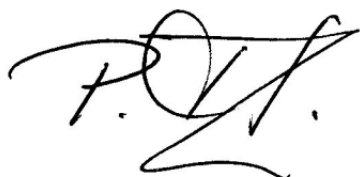
15. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
16. Section 139 of the Local Government Act, 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area.
17. The conditions under which a gift is to be administered are contained in the Deeds creating the Trusts, and any subsequent schemes made by the Charity Commission.
18. The law relating to Trusts, which are charitable, is contained in various Acts, the main ones being the Charities Acts 1992 and 2011 and the Trustee Investment Act, 1961.
19. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972. The rules on proportionality are contained in the Local Government and Housing Act 1989 and associated regulations.

Equality Impact

20. The Trusts were set up to benefit members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. There are no specific implications for children and young people arising from this report.

Recommendation

21. That the report be noted.



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List of Background Papers

- (i) Reports and minutes of the Council dated 2nd December, 2013
- (ii) Reports and minutes of the Ernest Stevens Trusts Management Committee dated 22nd April, 2013
- (iii) Report on Trust land within Dudley, considered at the Ernest Stevens Trusts Management Committee on 28th April, 2014