

**Minutes of a Special Meeting of the Ernest Stevens
Trusts Management Committee**

Tuesday, 9th September, 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, G Partridge and H Rogers

Also in Attendance

Councillor T Crumpton (Cabinet Member for Children's Services and Lifelong Learning)

Officers

M Farooq (Assistant Director, Law and Governance – Lead Officer to the Committee); S Cooper (Head of Strategic Asset Planning); T Webb (Property Surveyor); S Griffiths (Democratic Services Manager) - All Directorate of Corporate Resources

5 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 I Kettle – Non-pecuniary interest as a Director 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.

6 Minutes

Resolved

That the minutes of the meeting held on 21st July, 2014 be approved as a correct record and signed.

Parking Issues at Mary Stevens Park

Further to Minute No. 4 of the meeting of the Committee held on 21st July, 2014, the Committee received a verbal update from Councillor T Crumpton (Cabinet Member for Children's Services and Lifelong Learning) concerning parking issues at Mary Stevens Park.

The Cabinet Member outlined the background to the relocation of Children's Services employees in the office accommodation at Mary Stevens Park. This was an essential element of the Council's corporate 'Transforming Our Workplace' project as approved by the Council. This project made a significant contribution to the Council's overall budget strategy.

The building had been under-utilised and had required significant improvement works prior to the relocation of Children's Services staff. It was acknowledged that the full impact of additional car parking had not been assessed at the outset of the project. However, considerable work was now in progress to deal with any problems being experienced by staff and users of Mary Stevens Park.

The Cabinet Member reported on efforts to maximise the use of other car parks and other options being considered to increase parking capacity and reduce any potential inconvenience. Meetings were being held with staff and a reasonable approach was being adopted. This included staff being requested not to park in certain areas to be kept clear for public use. The Council acknowledged the need to encourage the public to use the park whilst balancing this against the duty of care to its employees.

Following legal advice, it was not possible to impose enforceable car parking restrictions within Mary Stevens Park. The deeds allowed for the use of the buildings as public offices and the Council was taking reasonable steps to achieve a balance between the associated use of the car park by staff alongside members of the general public using the park and its facilities. As the deed of gift restricted the use, it was considered that any proposal to remove staff altogether would create risks if the building became vacant and/or derelict in the future. The Cabinet Member emphasised that it was not an option to move staff out of the building as this had been agreed by the Council as part of the budget strategy and as an integral part of the Transforming Our Workplace project.

A Member raised concerns that the Council's budget strategy had no relevance as the deed of gift referred to the use of the site as a public park and for recreation purposes. The Council was acting as the trustee and did not own the property, land or buildings covered by the deed. As such, it was contended that there was a conflict of interest between Dudley MBC and the role of Members as Trustees of the registered charity. The Member also contended that this matter should be referred to the Charity Commission. The use of the car park by Dudley MBC staff was, in effect, excluding members of the general public from using the park and its facilities for the intended purpose.

Although the building had previously been used by Council staff, the recent office relocations had exacerbated the problems and concerns were expressed about the effect this was having on the general public and groups using the park. In the context of the Heritage Lottery Funding received to improve the park, concern was expressed that the lack of parking would lead to a loss of visitors and major disruption during key events. A view was expressed that the interests of the general public should over-ride those of the Council employees in these circumstances. Alternatives were being considered, however, the key issue was the use of the area covered by the deed of gift. The relocation of a large number of staff was considered to represent a fundamental change and the Council had not fully assessed the implications before taking this course of action.

The Cabinet Member repeated the view that the Council, in its role as a Trustee, was making a reasonable use of the building in accordance with the terms of the trust deed. In this regard there was no conflict of interest to be raised with the Charity Commission. The parking issues had been acknowledged and reasonable steps were being taken to address the situation to balance the needs of park users, employees and visitors. The proposed relocation of the staff under the Transforming Our Workplace project had been under consideration for several years. It was also acknowledged that many employees were now implementing modern mobile and agile working practices and not all staff based at Mary Stevens Park would be present during office hours. Data would be collected as part of the monitoring process to assess the effectiveness of the Transforming Our Workplace project.

A member of the public reiterated concerns that the impact of car parking had not been considered initially. The long-term use of the park and its facilities would therefore suffer as a result. A request was made for consideration to be given to the provision of spaces for people with mobility problems. The Cabinet Member acknowledged these points and suggested that a representative of Children's Services attend a future meeting of the Friends of the Park Group.

The Committee noted the comments of the Cabinet Member and discussed the parking situation. Particular reference was made to the ideas for improvements, potential solutions and ongoing work in progress to mitigate any problems for the benefit of all concerned. Following the debate, a motion was put to the vote and it was

Resolved:

That the comments of the Cabinet Member for Children's Services and Lifelong Learning be noted and that continuing work to monitor the car parking situation be supported.

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

A report of the Assistant Director of Corporate Resources (Law and Governance) was submitted asking the Committee to consider:

- (a) A request to grant a 3 year lease to Dudley NHS Foundation Trust of part of Mary Stevens Hospice at a market rent to be negotiated and agreed and excluded from the Landlord and Tenant Act 1954 (the occupiers to be Macmillan and the Community Palliative Care Support Team);
- (b) A request for additional building works to the Hospice;
- (c) 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;
- (d) The creation of 12 dedicated additional parking bays on the grassed areas opposite the Hospice.

The Committee noted that Clause 2(21) of the lease to Mary Stevens Hospice contained a covenant against subletting. The Committee questioned the implications of this paragraph in the context of the proposals now reported.

A Member also raised potential conflicts of interests between the role of Dudley MBC, its duty as Trustee and the role of local planning authority. A view was expressed that this required referral to the Charity Commission.

Resolved:

That, subject to clarification of the specific points referred to above by the Assistant Director of Corporate Resources (Law and Governance), the proposals set out in the report be approved.

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

A report of the Assistant Director of Corporate Resources (Law and Governance) was submitted on a 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.

Following a discussion and the need for clarification of specific issues raised by Members, it was

Resolved

That this item be deferred for further information to be provided and that a report be submitted to the next meeting of the Committee.

The meeting ended at 7.55pm

CHAIR