

Stourbridge Area Committee – 26TH June 2012

Report of the Director of Corporate Resources

Ernest Stevens Trust – Mary Stevens Hospice. Consent for alterations and to sublet to Lymphcare UK.

Purpose of Report

1. To formally document a decision made by the Area Committee members as Trustees, regarding consent to alterations and to sublet office space at the Lodge, Mary Stevens Hospice.

Background

2. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustee of the trust. The function of trustee has been delegated to the Stourbridge Area Committee Members in the Council's constitution.
3. The lease to Mary Stevens Hospice at paragraph 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. Clause 2 (21) contains a covenant against subletting.
4. As the Trustees urgent consent was required to secure the funding for this project, the Area Committee Members were contacted by email in March 2012.

To reiterate, when Dudley Community services vertically aligned with Dudley Group of Hospitals their Lymphoedema Nurse Specialists opted to become a social enterprise and are now "Lymphcare UK" registered as a company and with the Care Quality Commission. They currently rent clinic and office accommodation from Dudley PCT but would like to base themselves at Mary Stevens Hospice as the Hospice have a long standing working relationship with the practitioners having hosted their clinics for 4 years and the move would also considerably reduce their overheads.

5. The Hospice intend to refurbish part of the Lodge and add a small extension, marked hatched on the attached plan, subject to planning consent and then sub let the office space created to Lymphcare UK.

The costs of the refurbishment project will be covered by Lymphcare UK and funding has been gained through The Social Enterprise Investment Fund. The project has the full support of the hospice Chief Executive and Board of Directors.

The benefits to Mary Stevens Hospice are:

- refurbishment of lodge,
- rental income.
- on site lymphoedema care for hospice patients.
- greater community awareness of the hospice via its' partnership working with Lymphcare UK who hold contracts with NHS bodies.

6. Lymphcare UK will enter into a lease agreement for 5 years paying a rental which acknowledges their investment of £60,000 for refurbishment. Thereafter rental will be at a market rent to be negotiated and agreed. A formal deed of variation will need to be drawn up by the Councils Solicitors to enable the subletting.

Finance

7. There are no financial implications to the Trustees.

Law

8. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to the Stourbridge Area Committee.
9. 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.
10. The Law relating to Trusts which are charitable is contained in various legislation The key legislation being the Charities Acts 1960,1992,1993 and the Trustees Investment Act 1961.

Equality Impact

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

Recommendation

- 12.. It is recommended that the consent of Stourbridge Area Committee as trustees be formally recorded to allow alterations and extension to the Lodge, subject to planning consent and its subletting to Lymphcare UK.



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Director of Corporate Resources.

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