

# Meeting of the Ernest Stevens Trusts Management Committee

## Wednesday 31<sup>st</sup> January 2024 at 6.00pm in Committee Room 3, The Council House, Priory Road, Dudley

## 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 the minutes of the meeting held on 23<sup>rd</sup> October 2023, as a correct record (Pages 5-14)
- Public Forum.
- 6. Stevens Park Quarry Bank Lease for Tintern House with the Emily Jordan Foundation Projects (Pages 15-22)
- 7. Resolution to exclude the public and press.

#### Chair to move:

"That the public and press be excluded from the meeting for Agenda Item No. 8 below on the grounds that it involves the likely disclosure of exempt information under Part 1 of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda."



Under the provisions of Part 1 of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has declared that there will be no advance disclosure of the following report because the public interest in disclosing this information is outweighed by the public interest in maintaining the exemption from disclosure.

## Agenda - Private Session (Agenda Item no. 8 not open to the public and press)

8. Stevens Park, Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects - (Pages 23-43)

(The report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information)

## Agenda – Public Session (Meeting open to the public and press)

- 9. Request for Grant Friends of Wollescote Park (Pages 44-48)
- 10. Benjamin Drive, Homer Hill Consultation (Pages 49-52)
- 11. Wollescote Park 5g mast application (Pages 53-61)
- 12. Mary Stevens Centre verbal update.
- 13. To consider any questions from Members to the Chair where two clear days' notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

**Chief Executive** 

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Dated: 23rd January, 2024

Working as One Council in the historic capital of the Black Country

#### **Distribution:**

#### **Members of the Ernest Stevens Trusts Management Committee:**

Councillor I Kettle (Chair) – Pedmore and Stourbridge East Ward

Councillor T Crumpton (Vice-Chair) - Cradley and Wollescote Ward

Councillor D Borley - Lye and Stourbridge North Ward

Councillor J Cowell - Quarry Bank and Dudley Wood Ward

Councillor A Hopwood – Wollaston and Stourbridge Town Ward

Councillor S Clark - Norton Ward

#### **Co-opted Members (Non-voting):**

Friends of Stevens Park, Quarry Bank – Vacancy Friends of Wollescote Park – J Jones Friends of Mary Stevens Park – H Rogers

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## Minutes of the Ernest Stevens Trusts Management Committee Monday 23<sup>rd</sup> October, 2023 at 6.00pm in Committee Room 3, Council House, Dudley

#### Present:

Councillor I Kettle (Chair)
Councillor T Crumpton (Vice-Chair)
Councillors D Borley, J Cowell, and T Creed

#### **Co-opted Member**

J Jones (Friends of Wollescote Park)
H Rogers (Friends of Mary Stevens Park)
D Sparks (Friends of Stevens Park, Quarry Bank)

#### Officers:

M Bieganski (Strategy and Governance Section Manager), D Fildes (Parks Development Manager), D Mcnaney (Senior Principal Accountant), R Tilley (Funding and Projects Manager), M Wilcox (Principal Lawyer) and L Jury (Democratic Services Officer).

#### Also in attendance:

One member of the public.

## 53 Apologies for Absence

An apology for absence from the meeting was received from Councillor S Clark.

## 54 **Appointment of Substitute Members**

It was reported that Councillor T Creed had been appointed as a substitute Member for Councillor S Clark for this meeting only.

#### 55 **Declarations of Interest**

Councillor T Crumpton declared a non-pecuniary interest due to his recent appointment as Chair of the Friends of Wollescote Park.

#### 56 Minutes

#### Resolved

That the minutes of the meeting held on 27<sup>th</sup> July, 2023 be confirmed as a correct record and signed.

#### 57 **Public Forum**

A resident of Lime Gardens was in attendance at the meeting and requested to address the Committee with regard to a Traffic Regulation Order (TRO) on Benjamin Drive and parking on Homer Hill.

The resident of Lime Gardens addressed the Committee stating that he had attended the last meeting as he believed that issues would be raised in relation to concerns with regards to the safety aspects travelling up and down Benjamin Drive. He stated that he had felt that issues raised related to residents not using Benjamin Drive and using other alternatives routes and it was suggested that Emergency vehicles obtain access via Ormond way, however, it was advised that this access was blocked off by bollards which would have to be cut down and removed. The resident stated that he had recently installed a rear and front view dash cam in his car to capture footage when using the road due to his grave concerns that he may injure a person or animal as the road was unsafe to travel by car. It was advised that reports on social media indicating that there was not an issue with parking along the road, had encouraged more people to park. People were performing three-point turns on the road, parking at right angles to the grass and damaging the park surface.

It was noted that parking further down the road, on the bend, had the biggest impact as many families could not gain access on a weekend. Referring to parents parking for school drop offs, it was noted this did not have such an impact on the road due to the limited time the cars were parked, as opposed to park users who could be parked for anything up to four hours, and it was noted that no traffic marshalling was implemented during periods of high activity.

Reference was made to the likely possibility of an accident occurring and noting the challenges that would be experienced by emergency vehicles to gain access to residents or park users. It was noted that dash cam footage of the situation had been posted on social media to raise awareness of this issue, and the resident had been verbally attacked by other residents.

#### 58 Benjamin Drive Traffic Regulation Order and Parking – Homer Hill Park

The Committee received a verbal report from the Principal Lawyer who advised that as agreed at the last meeting of the Committee, independent legal advice had been obtained which had been shared with Members prior to the meeting. It was advised that a consultation exercise be undertaken by the Trust with park users, all residents of Lime Gardens and the neighbouring area.

This would comprise of an on-line consultation exercise and via posters to be displayed in the park. It was requested that a brief history of the situation to be included in the consultation and the external legal advice had recommended that the results of the consultation be shared with the Highways Department, and the Department would undertake a survey traffic risk assessment and consider the appropriate action to be taken.

Reference was made to a letter that had been received from Mrs V Bloomer, Secretary of Homer Hill Park, who had attended previous Committee meetings in relation to this issue. However, she was unable to attend this meeting and had requested that the views expressed in her letter be considered by the Committee.

In response to the Chair's questions on the cost of the independent external legal advice that had been sought and who would be responsible for undertaking the consultation, the Principal Lawyer advised that the cost of the legal advice would be reviewed and circulated direct to Committee Members. The Parks Development Manager advised that the Parks Team would undertake the consultation in conjunction with Legal Services and the results would be shared with the Highways Department as recommended. It was confirmed that park users would be consulted using a paper format and an on-line survey would be offered which would consist of a QR code being printed on posters in the park for people to submit a response. The consultees would include the football teams that used the park, the Friends of the Park and park users.

In response, the Vice-Chair referred to the difficulty of the situation with regard to people not understanding other people's needs within the area. In referring to the issue that had been raised by the Lime Gardens resident with regard to the lack of traffic marshals, it was noted that if this situation had been classed as an event being held in the park, there would be an expectation that traffic marshals would be in place to ensure that parking was being undertaken appropriately, and it was questioned whether this issue could be explored in the short-term as it was anticipated that the results of the consultation would not be known until the new year. The Vice-Chair suggested that a way forward could be to hold two separate meetings, one for the residents of Lime Gardens to obtain a collective view on the consultation, and a similar meeting with the Friends of the Park and neighbouring residents and suggested that appropriate Council Officers also be included.

In response to a suggestion that the Emergency Services be involved in the consultation, the Chair agreed with the proposal and requested that officers proceed with the consultation exercise taking into account comments made by Members, and that a further detailed report be submitted to a future meeting for consideration.

#### Resolved

- (1) That, the information presented on the independent external advice sought on the issue of the Benjamin Drive Traffic Regulation Order and parking at Homer Hill Park be noted.
- (2) That the recommendation that the Parks Department Manager, in consultation with Legal Services, undertake a consultation exercise, to include the residents of Lime Gardens, the Friends of Homer Hill Park, park users and neighbouring properties, be noted and approved.
- (3) That, a further report to include the outcome of the consultation exercise, be submitted to a future meeting of the Committee for consideration and in accordance with the external legal advice be sent to the Highway Authority in order that they can consider further.

#### 59 Mary Stevens Centre

The Committee received a verbal report from the Strategy and Governance Section Manager in relation to vacant space available at the Mary Stevens Centre.

In presenting the item, the Strategy and Governance Section Manager advised that at the last meeting of the Committee, two Charities namely, Crafting for Carers and WeLoveCarers, who were currently in situ at the Mary Stevens Centre, attended the meeting to present their interest in occupying other rooms within the Centre.

Arising from the presentations, Members requested that officers review the current situation and the proposed allocation of the additional rooms to accommodate both charities' aspirations. A concern that needed to be considered related to the safety of one of the charities clients, as they were predominately vulnerable children.

The Strategy and Governance Section Manager advised that they were not yet in a position to present a proposed plan to the Committee for consideration, that had been agreed with both Charities, and it was anticipated that a proposal would be submitted to the next meeting of the Committee.

#### Resolved

That, the Strategy and Governance Section Manager be requested to produce an alternative room allocation in the Mary Stevens Centre in conjunction with both Charities, to include a review of the visitor access arrangements into the building, and a report be submitted to the next meeting of the Committee for consideration.

## 60 <u>Lease for Tintern House – Stevens Park, Quarry Bank</u>

The Committee received a joint report of the Acting Service Director Neighbourhood Delivery and the Head of Waste and Transport Operations on the current position with regard to the lease for Tintern House.

In presenting the report, the Funding and Projects Manager advised that since the last meeting of the Committee, the final accounts for the capital works of the Emily Jordan Foundation Project (EJFP) had been agreed and a review of the capital budget for the project had been undertaken. It was noted that several meetings had been held with colleagues from Finance and a meeting with the EJFP had been held to review their finances and consider information they had supplied to support their claim for funding.

Subsequently, a meeting had been held with the Lottery and it was advised that the Lottery would be holding a meeting with the EJFP to outline their requirements in relation to a Business Plan and other information to consider the claim for financial assistance for the EJFP.

The Committee undertook a detailed discussion including reference to the Charity's accounts, financial position and business plan. Reference was made by the Chair to the involvement of Social Services and it was noted that a series of networking and marketing events were to be held from October to November 2023. The EJFP would be allocated a stall to showcase their facilities to ensure that the Directorate and Public Health were aware of their offer. The Funding and Projects Manager advised that a meeting had been held with the EJFP and Social Workers.

The Chair referred to a letter received from the Chief Executive of the EJFP, expressing concern regarding the report presented to the Committee.

The Principal Lawyer responded accordingly and referred to issues concerning the lease and the need for compliance with relevant legal provisions and the requirements of the Charity Commission. Reference was made to a meeting with the Funding and Projects Manager, the Strategy and Governance Section Manager and the Lottery. The importance of the submission of a Business Plan was acknowledged.

Reference was made to the recommendation by Legal Services that the Project Board that had been responsible for the Partnership Agreement with the EJFP, be reconvened in mid-November. It was anticipated that by the end of November, the Board would be in receipt of the Business Plan to be considered and the outcomes would be discussed with the Lottery. It was noted that the Lottery was also considering their requirements.

In response to a question raised by the Chair on when the final position with regards to the future of the EJFP would be available, the Funding and Projects Manager advised that it was anticipated that by the end of December 2023, the views of the Lottery, the Trust and the Project Board would be known regarding how to proceed going forward.

The Principal Lawyer advised on meetings with the Lottery, the legal position relating to the Trust and associated ongoing issues. The Funding and Projects Manager stated that it was a condition that the lease was signed before funding would be made available.

Mr D Sparks (Co-opted Member) raised concerns in relation to the length of time that the situation had continued and the implications. He emphasised the need to resolve the matter as soon as possible. Further concerns were raised about future relationships with the Charity Commission and funding opportunities with the Lottery. It was in the interest of all parties that the lease was signed, and any lessons learnt were taken on board.

The Principal Lawyer advised further on the options available and the need for further meetings with relevant parties. With reference to the meeting with the Lottery, it was reported that they were satisfied with the process that would be undertaken, as set out in the report, and had advised that they would be undertaking an internal review in relation to future funding. The Chair emphasised the need to identify how beneficial the EJFP agreement had been.

Mrs H Rogers (Co-opted Member) commented on the situation in relation to the current tenant in the café and options to avoid a similar situation arising in the future.

In response to a question asked in relation to any rent that had been paid to the EJFP, the Funding and Projects Manager confirmed that the café tenant had been paying rent to the EJFP and this would be included in the Business Plan.

Councillor T Crumpton stated that the report to the next meeting should include all the relevant information as requested by the Committee. This should include details of the review of the outcomes, the financial position and information on the café's usage and income generated.

In response to a question raised by Councillor J Cowell regarding the membership of the Project Board, the Funding and Projects Manager advised that membership would include a Director or Head of Service, the Cabinet Member for Highways and Environmental Services, the Parks Development Manager, the Funding and Projects Manager and a representative from the EJFP. The Principal Lawyer advised that Legal Services and Corporate Landlord would not be members of the Board, due to the potential conflict of interest, but the Board had a duty to consult with both services and consider any advice given.

In response to Councillor J Cowell's concerns regarding community involvement, the Funding and Projects Manager confirmed that current community engagement would be included in the report to Committee and the Trust's concern in relation to this issue had already been raised.

In conclusion, the Chair requested that a draft report to include all the issues raised at the meeting be submitted to the pre-agenda meeting to be arranged for early January 2024.

#### Resolved

- (1) That the information received on the current position with regard to the lease for Tintern House, Stevens Park, Quarry Bank with the Emily Jordan Foundation Projects and comments raised by Members, be noted.
- (2) That a detailed written report be submitted to the next meeting of the Committee for consideration to include information requested by Members at the meeting.

### 61 <u>Ernest Stevens Trusts, King George V Park and Homer Hill Recreation</u> Ground – Final Accounts 2022-2023

A report of the Director of Finance and Legal was submitted on the accounts of the individual Trusts comprising the Ernest Stevens Bequests and the accounts of King George V Park (charity no. 701251), for the financial year 2022/23.

The Senior Principal Accountant presented the report and referred to the covering report which provided information on the background as to how the accounts had been prepared.

In summarising the report, it was noted that if gross income in the financial years stated had been between £25,000 and £1 million, full accounts were required and would need to be independently examined and signed off by internal audit. The accounts that were covered by this requirement were the four Ernest Stevens charities, King George V Park and Homer Hill Recreation Ground. It was noted that the Trustee's Annual Report, full accounts and the signed Independent Examiner's Report on the accounts for the six charities, were included in Appendices 1-6.

The accounts had been subjected to an audit review over the summer and had been signed off by the Head of Audit Services to provide the Trust with the reassurance that the content within the accounts was correct.

Referring to paragraph 4 of the report submitted, it was noted that all of the Trusts were maintained by the Council in relation to buildings and grounds maintenance and was shown in the accounts as costs but were 'netted off' by an equivalent contribution from the Council as income.

In referring to paragraphs 5 and 6 of the report, it was noted that grants could be issued in relation to Stevens Park and Recreation Ground Foundation Trust, Wollescote, and the Committee were reminded that in 2022/23 a grant of £5,000 had been awarded to Wollescote Hall Bowls Club, and this amount was shown on pages 29 and 39 of Appendix 1.

In relation to grants, it was noted that in any future applications received by the Trust, an updated calculation would be undertaken to ensure that there were sufficient funds in the accounts, given the high level of inflation over previous years. The Committee was advised that one grant request had been received recently and would be considered before being submitted to the Committee for consideration.

In conclusion, the Senior Principal Accountant advised that no significant issues needed to be brought to the Committee's attention from the report, and subject to the Committee's approval of the report, the accounts in the Appendices, and the Trustee's Annual Report, the documents would be uploaded on to the Charity Commission's website by 31<sup>st</sup> January, 2024.

In response to queries raised by Mrs H Rogers in relation to the accounts on pages 77 and 84 regarding the income from the café in Mary Stevens Park and information missing in relation to Homer Hill Park on page 146, the Senior Principal Accountant undertook to review the issues raised and amend if necessary for the final accounts.

Referring to the value of volunteers' contributions, Councillor T Crumpton requested that for the accounts going forward, a calculation be undertook to quantity how much the volunteer's hours were worth to the Council. In response, the Parks Development Manger advised that Friends Groups and other organisations could be contacted to retain records of volunteer's hours to enable them to be quantified for the accounts going forward.

#### Resolved

- (1) That, subject to any necessary revisions arising from the clarification of the issues referred to above, the Committee approve the accounts of the Trusts for 2022-2023, on behalf of the Council, in their capacity as Trustees.
- (2) That the Chair be authorised to sign the accounts.

(3) That the Senior Principal Accountant be requested to include information in the accounts going forward in relation to the value of volunteer's contributions to the Council.

## 62 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 7.10pm.

**CHAIR** 



#### **Ernest Stevens Trust Management Committee**

#### Report of the Acting Service Director - Neighbourhood Delivery

## <u>Stevens Park Quarry Bank - Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP)</u>

#### **Purpose of report**

 This report informs the Management Committee of the current situation with regard to the Lease and the financial position of this project at Stevens Park, Quarry Bank as requested by the Chair for consideration by the Committee.

#### **Recommendations**

2. It is recommended:-

It is recommended that:-

- The Ernest Stevens Trust Management Committee note the content of the report and inform Officers how they wish to proceed.
- The Ernest Stevens Trust Management Committee note the previous proposal by the Chair that a deadline for the completion of the lease be agreed. A date should therefore be discussed by the Committee for legal completion of the lease.

#### **Background**

3. This property is owned in trust by the Council (not as landowner) and is managed by the Ernest Stevens Trust Committee (the Committee). The Trust is registered with the Charity Commission. The Charity Commission have issued an Order permitting the Council (Trust) to grant a 10-year lease.

The Order has expired and the Charity Commission will need to be advised of the same and consent obtained for the grant of the lease. At the time of approaching the Charity Commission, we must provide the draft lease in a form agreed by the parties and this will support the case with the Charity Commission.

In 2019 the Council obtained funding for £1,395,500 approximately from the National Heritage Lottery Fund (HLF) and entered into a partnership agreement with the Emily Jordan Foundation on 30th August 2018 to January 2024. The parties in the partnership agreement agree to maintain accurate records and accounts for the duration of this agreement and the 10 years beyond the end of the programme for audit purposes.

#### The Lease

- 4. Heads of Terms were provided to Legal Services on 30th July 2018 by Corporate Landlord. On 25th October 2018, the Charity Commission agreed an Order to permit the grant of a lease but required a draft copy lease before submitting the final Order. On the 1st November 2018, a draft lease was sent to the Emily Jordan Foundation and Charity Commission.
- 5. Since March 2019, protracted communications, discussions and negotiations have taken place, including interventions by the HLF.
- 6. It has been agreed that upon the signing of a 10-year lease, Legal Services are to write to the Charity Commission requesting a 20-year lease but excluded from the protection of the L&T Act. The terms of the 20-year lease will differ from the ten-year lease as a longer relationship is envisaged and it is necessary to ensure the property is maintained in the longer term ensuring its return to the council in good and tenantable condition, that the rental value is maintained through regular reviews and the outcomes are able to be updated accordingly to reflect changing needs and requirements.
- 7. On 14th July 2023 the Environmental Directorate advised that the Emily Jordan Foundation Projects had recently confirmed that they were facing financial difficulties having started three new charity projects at Tintern House during the covid pandemic.
- 8. Since the last Committee Meeting, all parties have held meetings including with the Lottery who set out key points for EJFP to use in preparing their 'Business Development Plan' to reach sustainability. EJFP have submitted their finances and Business Development Plan and is confident that the gap in their finances can be addressed through several actions as follows:
  - Increasing their number of trainees
  - Raising daily charge rates by 10%
  - External fundraising

EJFP note that they have a good retention rate of new trainees.

- The Council have proposed regular meetings with the Directorate of Social Services / Dudley Disability Services, to build up good working relationships with social workers. Ruth Krivosic (EJFP CEO) is making progress with building up relationships directly with key individuals but DMBC also needs to provide the right sort of support at an organisation level. In addition:
  - It has been proposed by the Council that EJFP has an 'open house' event for Social Services to visit and see what is on offer at Tintern House.
  - Senior Staff & Cabinet Members Councillors Corfield & Clinton to visit EJFP Projects at Tintern House.
  - Travel to Tintern House is a potential obstacle for some trainees.
     The Council is to consider how it may be possible to help to overcome some of the transport issues.
- EJFP/Chris Jordan informed the Council and Lottery on the 22nd 10. December '23 that the lease was underway on the 8th January '24 confirmed that he has had several discussions with and instructed his solicitors. Legal Services require contact from EJFP's solicitors to confirm that the lease is being progressed.

Project Board, Lottery and Ernest Stevens Trust Management Committee:

- 11. The Project Board has been reconvened and updated on progress.
  - The Project Board has approved the current process and progress.

### **Finance**

12. The Lottery and Council have reviewed and approved EJFP's Accounts and Business Development Plan referred to in the body of the report.

## **Outcomes**

13. As requested by Legal Services and the Ernest Stevens Trust
Management Committee, a review of the Outcomes for both the
requirements of the Lottery grant and the wider Community Outcomes is
attached as Appendix 1.

Appendix 2 includes the Lease Challenges and Outcomes to which EJFP have added their achievements up to October 2023.

## Partnership Working & support provided by the Council to EJFP.

14. The partnership agreement between Dudley Council and EJFP was signed in August 2018. The agreement stated that the Council would signpost potential trainees to the EJFP projects and EJFP have stated that

this has not happened in a timely manner over the past 2 years. The Council maintains that it has provided support in numerous ways but acknowledges that signposting trainees is important.

The Council have proposed regular meetings to develop signposting of trainees, better partnership working and engagement with the local and wider communities to the benefit of all parties and the legacy of the Ernest Stevens family and Trust.

#### Law

15. Section 139 of the Local Government Act 1972 empowers the Council to accept and administer gifts of property which it enables the Council to discharge any of its functions and where the gifts are for the purposes of benefitting the inhabitants of the area. The Ernest Stevens Trust Committee has delegated powers to deal with the management of all land and properties within the Borough that are held under trust. The key legislation being the Charities Act 1960, 1992, 1003, 2011 and the Trustee Investment Act 1961.

#### **Risk Management**

- 16. The following risks are inherent with this project:
  - If the charity were to cease trading, the Council would be liable for the delivery of the outcomes and approved purposes of the Lottery Grant.
  - If the charity were to cease trading, the Council may have to find an alternative charity partner and/or café operator.

Ongoing discussions between the Council, EJFP and the Lottery minimise, mitigate and ultimately avoid the realisation of the above risks.

## **Equality Impact**

- 17. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.
- 18. It is noted that if EJFP were to cease trading there would be considerable detrimental impact on those young persons with learning disabilities who rely on the training and community provided by EJFP.

### **Human Resources/Organisational Development**

19. Not applicable to this report

#### **Commercial/Procurement**

20. Not applicable to this report

#### **Environment/Climate Change**

- 21. EJFP's projects are beneficial to the Environment and help address the negative impacts of Climate Change by:
  - The horticultural training provided by EJFP in 'Twigs' will encourage young people to grow produce and care for the environment.
  - Spokes Cycle Project encourages the renovation of bicycles and cycle use.
  - Go Green project recycles a variety of materials.

#### **Council Priorities and Projects**

22. The working partnership with EJFP accords with the Council vision and plan for Dudley to be 'The Borough of Opportunity' where "Those with special educational needs and disabilities ..... achieve the best possible outcomes"

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### Nick McGurk

**Acting Service Director – Neighbourhood Delivery** 

Report Author: Robert Tilley

Telephone: 01384 816938 Email: <a href="mailto:name@dudley.gov.uk">name@dudley.gov.uk</a>

## **Appendices**

- Appendix 1: Stevens Park Quarry Bank Lease: Outcomes
- Appendix 2: Lease Challenges and Outcomes (separate attachment)

## **Appendix 1: Stevens Park Quarry Bank Lease: Outcomes**

As requested by Legal Services and the Ernest Stevens Trust Management Committee, a review of the Outcomes follows:

#### **NHLF Outcomes:**

The grant award from the National Heritage Lottery Fund requires the Approved Purposes and Outcomes to be delivered.

#### NHLF Approved Purposes: these include

• (The Council to) Refurbish and extend Tintern House, lease to Emily Jordan Foundation....

We note that on completion of the lease, this requirement will be met.

• EJF to deliver three skills development projects to individuals with disabilities: horticultural training (Twigs), bike maintenance/recycling (Spokes) and metal /plastics recycling Go Green).

**Evidence:** We can confirm that since occupation in August 2021, EJFP has delivered the three skills development projects as agreed.

Evidence of this has been monitored and reported to the Lottery in quarterly reports, prepared by EJFP, reviewed and submitted to the Lottery by the Council. These reports can be made available on request.

We note that the Lottery have always been satisfied with the progress and supportive of EJFP.

**Lease Terms, Challenge & Outcomes:** the lease refers to Rent as: "Being a peppercorn (if demanded) on the basis that the Outcomes will be delivered by the Tenant" and that "Outcomes are as the "Challenges and Outcomes" as at Schedule 1. This is attached as Appendix 2 and has been amended by EJFP to demonstrate delivery.

**Evidence:** Auditing of EJFP's Lease Challenges and Outcomes has occurred throughout the Lottery project with quarterly reports from the Council's Project Manager, together with reports from the Chief Executive Officer of EJFP, Ruth Krivosic. These are then presented and discussed in person with the Lottery and actions noted.

We confirm that the lottery have noted that EJFP have continued to deliver the Outcomes through adverse times and conditions.

EJFP have demonstrated that they have exceeded their Volunteer Hour targets in Year 1 and 2 however a shortfall is likely in Year 3. This is due to 2 volunteers transferring to employment with EJFP, previously giving 8hrs a week. Other challenges have been volunteer sickness/medical issues, covid and Jury service.

Appendix 1: Stevens Park Quarry Bank Lease: Outcomes (continued).

#### **Community Outcomes:**

In addition to the outcomes required to be evidenced by the Lottery and under the terms of the lease, the Ernest Stevens Trust Management Committee has requested that a review of Community Outcomes resulting from the presence and activities of EJFP, be included in this report. A brief review of community outcomes follows.

Clean and better maintained: One of the aims of the 10-year Management and Maintenance Plan produced for the park as part of the progression towards Green Flag Status is that it becomes a clean and well-maintained space. Tintern House and its environs receive regular litter picks by the trainees and staff of EJFP contributing towards pride of place and a welcoming environment for the local residents and park users. Trainees from EJFP would like to become more involved in amenity horticulture in the park when opportunities arise.

**Community Engagement:** The trainees access all areas of Tintern House (except the Green Care Office). They have developed a good rapport with increased members of the public who now visit the park. The trainees continue to develop their skills in recycling, crafts, and bicycle building. They serve customers, many who live locally, who are buying bikes in Spokes and sell plants and the crafts they have produced in Twigs.

**Park Events, Activities and Inclusivity:** EJFP has advertised the rooms for hire with local businesses, the NHS and other community groups. The environment and the Café are especially attractive and is often used for gatherings to avoid paying for room hire. We have a regular booking from Daisy Workshop and had enquiries from Yoga instructors to Children's parties.

The Charity promotes inclusivity and has supported every event organised by the Community Development Officer, from Dog Shows, Christmas Extravaganza's, Eco Events, Cycling activities and Art in the Park, to name a few.

**'Soft' Community Outcomes and Reduction in ASB:** It has been noted that since the Lottery Project and the presence of EJFP in Tintern House and 'Twigs' in the park, there has been a reduction in Anti-Social behaviour and an atmosphere which feels safer and more welcoming. The regular presence of staff, trainees and the associated activity, including the additional visitors and café users, all contribute to the community outcomes.

Appendix 1: Stevens Park Quarry Bank Lease: Outcomes (continued).

'Soft' informal community outcomes are those generated by passers-by and regular park users exchanging greetings with EJFP as well as those browsing in the Twigs area, chatting and noting the seasonal changes in plants on offer.

**Future Opportunities:** The Council in partnership with EJFP have agreed that there is potential and future opportunities to work better together, improving community engagement and outcomes. The range of events will be discussed and the potential for coordinated activities and improvements, at Tintern House and in the park. Better partnership working will therefore benefit EJFP, residents and park workers and the legacy of the Ernest Stevens family.

A new Community Development Officer is being recruited. This post will cease from December 2024 by which time we aim for the joint activities at Tintern House and within the park to be self-sustaining and continue for the future.



#### **Ernest Stevens Trusts Management Committee –**

#### 31st January 2024

## Report of the Director of Finance and Legal Services

#### Request for Grant – Friends of Wollescote Park

#### **Purpose**

1. To consider the request for a grant from the Friends of Wollescote Park (FOWP).

#### **Recommendations**

2. It is recommended that the Committee consider the request for a grant as detailed in the report.

#### **Background**

- Ernest Stevens made various donations of property which were to be used for specified purposes. These have been identified as individual Trusts and detailed below:
  - i. Mary Stevens Maternity Home and Public Park Charity.
  - ii. Mary Stevens Park, Recreation Ground and Park, Norton.
  - iii. Stevens Park, Quarry Bank.
  - iv. Stevens Park and Recreation Ground Foundation, Wollescote
- 4. Only the Stevens Park and Recreation Ground Foundation has investments, which generate income for disbursement.
- 5. Previously the management of the above trusts was delegated to the Stourbridge Area Committee. Members will be aware that following the consultation on Area Committees and the introduction of Community Forums, the four Ernest Stevens Trusts are now combined under the control of this Committee as Trustees.
- 6. In the application of the income of the Foundation, the Trustees have discretion to give preference to the area of the former Urban District

- of Lye and Wollescote and to meeting the needs of the people resident therein.
- 7. There is no set maximum amount stipulated in the Trust deed for a grant. However, in the past, the Trustees have tended to apply the criteria that the grant should be a maximum of £5,000 or 50% of the total cost of a capital project.

## **Application – FRIENDS OF WOLLESCOTE PARK (FOWP)**

8. A grant application has been submitted by the Friends of Wollescote Park. The proposed project is to add two interpretative lecterns and to improve the signage to the Walled and Sensory Garden.

This project will benefit all visitors to the park. The target beneficiaries are the entire community and beyond. The project will particular benefit those accessing the Black Country Mental Health (BCMH) Walled Garden Project, Exercising in the Park, Sons of Rest members and FOWP volunteers. FOWP has a good working relationship with the BCMH project and a supporting letter has been provided by their group. In addition, these works will assist in the Council's application for Green Flag Award status for Wollescote Park in 2024.

- 9. The organisation has 42 active volunteers and 2,600 social media followers and the aims of the organisation are detailed in the FOWP constitution and are "To provide a community focus for individuals and organisations who may have an interest in the sustainability and betterment of Wollescote Park and the areas of Woodland Walks known as the Hob Green Dingle."
  - FOWP is an active and entirely volunteer-driven community group, who undertake projects & activities that promote, protect and are for the betterment of Stevens Park in Wollescote (Stourbridge).
  - They value the park as a place of historic and environmental beauty and as a precious green space where local people come together, across the generations, to enjoy wildlife, to exercise and to relax.
  - The group is inclusive and welcomes volunteers of all ages, genders, and ethnic groups. Activities that the group undertakes use our natural green space for eco-well-being, physical and mental health, support social connections to others and combat loneliness.
- 10. FOWP have a weekly volunteer gardening group that has created and maintains the Sensory Garden, a monthly pop-up café and French Boules activities on a Friday morning. They regularly organise

community litter picking (most recently with Hob Green Primary School and Wollescote Scouts), organise well-attended community events and have been directly involved in building a successful Park Active Group in the park. They have a lively Facebook page and have over 2600 followers from the community and feel this social media presence helps them to be "in touch" with the needs of people locally.

- 11. FOWP is an active community group and raises funds for improvements in the park. The group have recently spent monies part-funding a defibrillator, contributing to the upgrades to the play equipment, investing in Sensory Percussion instruments for the Sensory Garden and paid for an artist to complete a mural on the wall adjacent to the changing rooms. They are currently funding the annual "Meet Santa" event that offers families locally an opportunity for their children to Meet Santa at no charge.
- 12. FOWP receive no external funding for the Sensory Garden project and therefore, use funds raised to pay for essential gardening items compost, plants, and gardening equipment. These items are used by the volunteers to maintain the Sensory Garden. The FOWP has made no other applications to the Trust in the last 5 years.
- 13. FOWP have provided financial information for consideration. The bank balance as at 31/3/2023 was £5,440.01 with annual expenditure being £8,706.69 and annual income being £8,729.12. FOWP and Dudley MBC have obtained 3 quotes for the work. The preferred supplier's quote is £6,114.00, inclusive of VAT. After adding £220 for installation costs by DMBC plus any additional graphics, artwork and printing costs in relation to the information to be included within the signage, the estimated total cost inclusive of VAT is estimated to be £7,000.

In addition to this application, the FOWP submitted an application to the Halesowen Community Forum in relation to these works. This application was confirmed as being successful in November 2023 and a grant of £5,000 was approved. Therefore, the request of the Ernest Stevens Trust Management Committee is a maximum of £2,000.

### <u>Finance</u>

- 14. No grants have been paid during the current financial year.
- 15. At a previous meeting of the former Finance (Stevens' Bequests), Sub-Committee, Members agreed to maintain the "real" spending power of the bequest as a fundamental part of the investment

strategy. However, as a result of the levels of inflation over the last two years and the last property valuations being in March 2020, the "real" spending power calculation is no longer an appropriate basis to calculate available funds on this occasion.

16. Given the above, the more appropriate basis is on a cash basis. As at 31/3/23, the balance of funds available was £141,155, of which approximately £60,000 is still required in relation to the funding of the heritage wall at Wollescote Park. As detailed in paragraph 13, the grant request of this Committee is a maximum of £2,000.

#### Law

- 17. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
- 18. 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.
- 19. The law relating to Trusts which are charitable is contained in various acts, the main one being the Charities Act 2011.
- 20. The conditions under which a gift is to be administered are contained in the Deed creating the Trust and any subsequent schemes made by the Charity Commission.

## Risk Management

21. The proposals in this report do not lead to any material risks.

## **Equality Impact**

22. The Trusts have been set up to benefit the public in certain geographical areas of the Borough as outlined in the Deeds of Gift.

## **Human Resources/Organisational Development**

23. The proposals in this report do not have any direct Human Resources / Organisational Development implications.

## **Commercial/Procurement**

24. The proposals in this report do not have any direct Commercial implications. Activity is subject to the conditions set out in the Deeds creating the Trusts and any subsequent schemes made by the Charity Commission.

## **Environment/Climate Change**

25. The proposals in this report do not have any direct impact on the environment or climate change.

#### **Council Priorities & Projects**

26. The aims of the Trusts include the provision of facilities for recreation or other leisure time occupation with the object of improving the conditions of life, or such other charitable purposes as the Council may determine. This will contribute to Council Plan objectives to Grow a Strong Visitor Economy, Develop Green Space and Reduce Social Isolation.

Iain Newman

**Director of Finance and Legal Services** 

Contact Officer: Dave McNaney

Memon

Telephone: 01384 814857

Email: dave.mcnaney@dudley.gov.uk

## **List of Background Papers**

Application form and quotes

Accounts and bank statement – Friends of Wollescote Park



## <u>Meeting of the Ernest Stevens Trusts Management Committee</u> 31<sup>st</sup> January 2024

### Report of the Acting Service Director – Neighbourhood Delivery

#### Benjamin Drive Homer Hill Consultation.

#### **Purpose of report**

1. To inform the Management Committee of the current situation regarding a consultation exercise concerning the Traffic Regulation Order and Parking at Homer Hill Park / Benjamin Drive.

#### Recommendations

- 2. It is recommended that:-
  - The Ernest Stevens Trust Management Committee note the content of the report.
  - The Ernest Stevens Trust Management Committee consider the costs associated with conducting the consultation exercise in line with the recommendations provided by the Councils Communications & Public Affairs Team.

## **Background**

3. As presented at the meeting on the Ernest Stevens Trust Management Committee meeting on 23<sup>rd</sup> October 2023; following independent legal advice, which had been obtained regarding this matter, it was recommended that a consultation exercise be undertaken by the Trust with park users, Midland Heart (the owners) and the residents of Lime Gardens and the neighbouring area. The consultation would be conducted by the Parks Team in conjunction with Legal Services and the results would be shared with the Highways Department, as recommended.

### **Consultation**



4. Following the meeting the Parks Manager sort the advise from the Councils Communications & Public Affairs Team, concerning the appropriate method of conducting the consultation.

They have advised the consultation exercise should be conducted both online and a paper-based format, with letters being sent to all the residents of Lime gardens, including the manager of the residential facility. Also, posters to be erected around the park on correx boards. The posters will feature a QR code, which will direct the user to an online consultation.

The consultation will consist of a paragraph introducing the background and why we are undertaking the consultation and what it will be used for. The consultation will include a plan and photograph of the affected Highway. The questions we are proposing to consult on would be the following:

- Do you visit or use the park?
- What activity do you visit the park for?
- Do you believe additional parking spaces within the park or along Benjamin Drive would help?
- Have you experienced difficulties travelling on and down Benjamin Drive.
- Please add any additional comments.

The Communications & Public Affairs Team will prepare the graphics for the posters and assist with the setting up of the online survey, the team would also assist with analysing the data once it is collected.

We have also been advised to be mindful of the period of purdah and it has been recommended that the consultation exercise is conducted after this period in May 2024.

#### **Finance**

- 5. The costs associated with producing the consultation material is estimated to be in the region of £500. Unfortunately, there is no revenue budget to cover these costs and a request is being submitted to the Trust to fund this.
- 6. If changes to the current parking arrangements are supported, these will have to be costed and approval required for any expenditure.

#### Law

7. Section 111 of the Local Government Act 1972 allows the Council to do anything that is calculated to facilitate or be conducive to the discharge of statutory functions. Section 1 of the Localism Act 2011 provides Councils with the general power of competence to do anything that individuals generally may do, subject to Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 gives power to authorise dealings with charity property.

#### **Risk Management**

8. There are no material risks presented by this report.

#### **Equality Impact**

9. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.

#### **Human Resources/Organisational Development**

10. None applicable to this report

#### **Commercial/Procurement**

11. Any procurement of goods or services made by the Council will comply with the Councils Contract Standing Orders and governance arrangements in place which could include submission of options to Procurement Management Group (PMG).

## **Environment/Climate Change**

12. There are no implications for the Environment and Climate change presented by this project.

## **Council Priorities and Projects**

13. This decision will improve the quality of the green spaces.

Developing Green Space: Providing a framework of good quality and accessible community space, parks & nature reserves with interconnecting green networks.

This proposal is not anticipated to have any implications for current activity.



## **Acting Service Director – Neighbourhood Delivery**

Report Author: Daniel Fildes Parks Development Manager

Telephone: 01384 815589

Email: daniel.fildes@dudley.gov.uk



## <u>Meeting of the Ernest Stevens Trust Management Committee – 31<sup>st</sup> January 2024</u>

#### Report of the Director of Regeneration and Enterprise

#### **Wollescote Park - 5G Mast Application**

#### **Purpose of report**

 To inform the Management Trust Committee, in respect of the draft Heads of Terms as agreed with Cornerstone.

To authorise the officers of the Council to proceed with the necessary actions to grant the initial licence for the ground investigations to take place and subsequently the lease for the mast and equipment.

#### **Recommendations**

- It is recommended:-
  - The Ernest Stevens Trust Management Committee note the content of the report.
  - Authorise the council officers to proceed to enable the proposed mast development and the lease completion.

## **Background**

3. The Wollescote Park was gifted to the Urban District Council of Lye and Wollescote on 29<sup>th</sup> September 1930 for the purpose of a public pleasure ground and/or refreshment rooms, free public reading rooms, free library, museum, picture gallery, public offices, maternity home, convalescent home or a hospital, child's welfare centre or any other purpose which have for its object the benefit advancement and welfare of the people of Lye and Wollescote District and welfare of the public generally so long as the performance of such benefit will not be a breach of any of the conditions contained in the Deed of Gift.



4. The Charities Act 2011 states that:-Section 117 no land is to be conveyed, transferred or leases or otherwise disposed of without an order of the Court or Commission and:-Section 119 that the charity trustees must before entering into any agreement for agreement to dispose must obtain a written report on the proposed disposition from a qualified surveyor acting exclusively for the charity, advertise the proposed disposition, decide that they are satisfied

having considered the surveyor's report that the terms on which the

Charity.

Section 120 where the granting of a lease of less than 7 years, (1) the Trustees should obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the Trustees to have the ability and practical experience to provide to them with competent advice on the proposed disposition. (2) decide that they are satisfied, having considered the person's advice that they are the best that can be reasonably obtained for the Charity. Legal Services on behalf of the Trust would need to apply to the Charity Commission for a scheme to permit the grant of the lease.

disposition proposed to be made, are the best that can be obtained for the

There are changes pending in respect of the legislation that may reduce the requirements in respect of the qualified surveyor and advertisement process.

- 5. The Trust has evidence of the fact that it has undertaken the legislation process and has received Schemes from the Charity Commission in respect of dispositions in respect of the various Deeds of Gift but the Trustees should consider the guidance received from the Charity Commission that are attached to this report before making a decision.
- 6. The Electronic Communications Code (the Code) provides an Operator with rights to install electronic communication apparatus on, under or over the land for statutory purposes and the Courts have the power to impose the rights of the Operators. Under Part 12 there may be provisions for rights to object to certain apparatus being installed. Independent legal advice was taken around the implications of the Code upon the provisions of the Deed of Gift and the Charities Act which found that if a lease was imposed on the council through the workings of the code it would override the prohibitions in the deed of Gift and the Charities Act 2011. While the Council may seek to defend the position of the Trust against the Code this would be a costly course of action with a very uncertain outcome given the wide-ranging powers granted to the mast operators under the Code.
- 7. Cornerstone acting on behalf of the network operator has sought and obtained planning permission for the erection of an aerial mast to deliver

- 5g services planning reference P22/0452/PN16A land at Wollescote Cricket Pitch Stourbridge DY9 7JU. Per the plans appended.
- 8. Cornerstone need consent to enter the site undertake a ground survey ahead of erecting the mast.
- 9. Terms including rent for the mast and associated infrastructure being on site are aligned with the telecommunication code.
- 10. In accordance with the guidance from this committee negotiations have taken place with Cornerstone and terms agreed for a 6-year term at £1000 per annum rent. The operator requires to undertake ground investigation, being two trial holes one in the mast location and the other where the ground equipment will be located. Such ground investigation would be under a standard licence agreement. Members need to be aware the company has identified a requirement to lop one tree only pruning it from a height of 18 m to 14.2 m. This is the fir tree closest to the road. Details of the proposed location and height are appended to this report.

#### **Finance**

11. The proposed income to be received by the Ernest Stevens Trust Committee is £1000pa plus a contribution towards costs.

#### Law

12. The Deed of Gift dated 29<sup>th</sup> September 1930 made between Ernest Stevens Esq and The Urban District Council of Lye and Wollescote contains a number of conditions that are referred to above in this report, of which should be considered. The Electronic Communications Code applied to this report. Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 gives power to authorise dealings with charity property.

## **Risk Management**

13. There are no material risks presented by this project. The installation risk assessment will be shared with the health and safety team and Green Care will monitor site works to ensure the risk assessment is being followed for safe working.

The equipment will be independently inspected before being opened to the public.

## **Equality Impact**

- 14. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.
- 15. There is no effect of the decision on children and young people.

### **Human Resources/Organisational Development**

16. There are no HR/OD implications arising from this report.

#### **Commercial/Procurement**

17. None applicable to this report.

#### **Environment/Climate Change**

18. There is no impact on the environment.

#### **Council Priorities and Projects**

- 19. This proposal has a direct link into the Dudley Council Plan 2022-2025, specifically: **Dudley the Borough of Ambition and Enterprise.**
- 20. The proposal supports wider Council and Borough activity and projects including Digital and Information Technology (including Data Protection) and a positive impact on our customer base



## **Director of Regeneration and Enterprise**

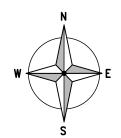
Contact Officer: Mark Bieganski

Telephone: 01384 816846

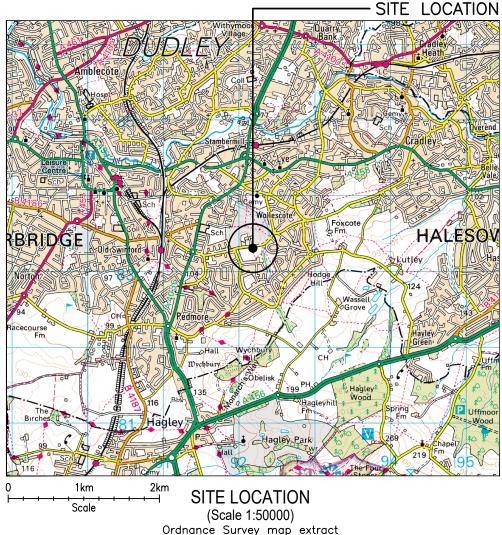
Email: Mark.Bieganski@dudley.gov.uk

Appendices - Appendix 1 site development plans

**List of Background Documents** 



## Wollescote Cricket ground appendix 1 Site development plans

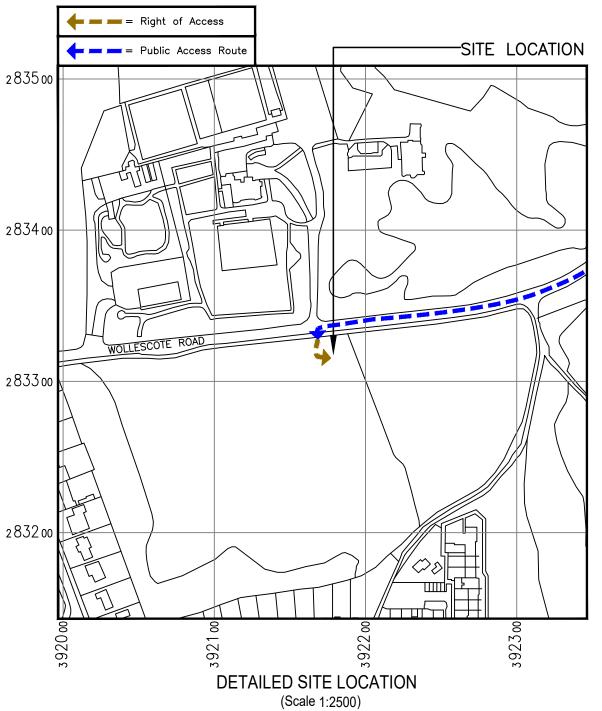


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SITE PHOTOGRAPH

100 150 ORIGINAL SCALE AT A3 - 1:2500 ALL DIMENSIONS IN METRES



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E: 392189 N: 283317 DIRECTIONS TO SITE: Head north on M5 at junction 3, take the

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

A456 exit to Birmingham (W & C). After 0.2 miles at Quinton Interchange, take the 1st exit onto Manor Way/A456. Continue for 1.3 miles then at the roundabout, take the 2nd exit and stay on Manor Way/A456. After 1.5 miles at the roundabout, take the 1st exit onto Hagley Rd/A456. Continue to follow the A456 for 0.6 miles then at the roundabout, take the 3rd exit onto Hagley
Causeway/A456. Continue to follow A456 for
0.3 miles then continue on Lutley Lane. Take Wynall Lane South to Wollescote Rd in Stourbridge. Continue for 2.3 miles then turr left onto Lutley Lane. After 0.8 miles continue onto Wynall Lane South then after 0.6 miles at the roundabout, take the 2nd exit onto Wynall Lane. After 0.3 miles turn left onto Brook Holloway. After 0.3 miles continue onto Wollescote Road. The site is

within the field approximately 0.2 miles on

NOTES:

Α	Issued for Approval	TCL	М	04.02.21
REV	MODIFICATION	BY	СН	DATE





WOLLESCOTE ROAD CRICKET PITCH	_						
Cell ID No							
CORNERSTONE TEF VF							
30315100 088890 –							

#### Site Address / Contact Details

WOLLESCOTE ROAD CRICKET PITCH WOLLESCOTE ROAD STOURBRIDGE WEST MIDLANDS DY9 7JU

Drawing Title

200

SITE LOCATION MAPS

3772 2337 111371 11111 13									
Purpose of issue: PLANNING									
Drawing Number: 100									
Surveyed By: TECH	HTEL	Original S A	Pack Issue:						
Drawn: TCL	Date: 04.02.21	Checked: MT	Date: 04.02.21	D					

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines. Designed in accordance with CORNERSTONE document: SDN0008

