

**Meeting of the Ernest Stevens Trusts  
Management Committee**

**Monday 8<sup>th</sup> April 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 31<sup>st</sup> January 2024, as a correct record (Pages 5 – 15)
5. Public Forum.
6. Benjamin Drive/Homer Hill consultation (Pages 16 – 18)
7. Clayton Playing Field – proposed easement for surface and foul water drainage to assist adjoining development (Pages 19 – 25)
8. Friends of Bernard Oakley – Verbal Update
9. Stevens Park, Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects (Pages 26 – 30)

10. 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).
11. Resolution to exclude the Press and Public.

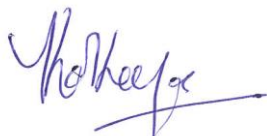
Chair to move:

"That the public and press be excluded from the meeting for Agenda Item No. 12 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**

12. [Wollescote Park – Agreement for Lease \(Pages 31 – 103\)](#)  
(The report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information)).



**Chief Executive**

**Dated: 28<sup>th</sup> March 2024**

### **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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**Submitting Apologies for Absence**

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**Minutes of the Ernest Stevens Trusts Management Committee  
Wednesday 31<sup>st</sup> January, 2024 at 6.00pm  
in Committee Room 3, Council House, Dudley**

**Present:**

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

**Officers:**

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

**Also in attendance:**

Councillor N Neale – Cradley and Wollescote Ward Member  
One member of the public.

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**63    Apologies for Absence**

Apologies for absence from the meeting were received from Councillor S Clark, J Jones and Mrs H Rogers.

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**64    Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the Committee.

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**65    Declarations of Interest**

Councillor T Crumpton declared a non-pecuniary interest in relation to agenda item no. 10 due to his recent appointment as Chair of the Friends of Homer Hill Group.

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Councillor Crumpton referred to minute number 55 – Declarations of Interest and confirmed that he had been appointed as Chair of the Friends of Homer Hill not Wollescote Park as stated.

**Resolved**

That subject to the above amendment, the minutes of the meeting held on 23<sup>rd</sup> October, 2023 be confirmed as a correct record and signed.

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**67    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 referring to his attendance at the last meeting where it had been agreed that external legal advice be sought in relation to the Council's legal obligation to enforce the double yellow lines already installed along Benjamin Drive, but the report submitted to the meeting referred to extra parking and did not address the issue of road safety. The Chair and Vice-Chair responded accordingly and confirmed that the road had been maintained by the authority for many years and confirmed that although the yellow lines had been installed as a result of an error, for safety reasons the lines would stay in situ but would not be enforced until after the results of the consultation had been received. It was anticipated that the consultation exercise would not be undertaken until after the Local Council Elections in May this year.

In response, the resident of Lime Gardens referred to the damage being caused to the grassed area due to parked cars, and reference was made to video evidence that had been submitted in relation to the damage to the grassed area, problems experienced by a refuse lorry trying to gain access on a Saturday when footballers were parked along the road, and a near accident with a child were also referred to. The resident stated that although he agreed with the consultation to be undertaken, he believed that this would not address the safety issues and reference was made to Wollescote Park and a Public Space Protection Order to prevent people parking on park land. It was acknowledged that more parking had been provided in the area which although had contributed to making the bend safer, had not addressed the issue of people still parking on Benjamin Drive.

Councillor N Neale, Cradley and Wollescote Ward Member, was in attendance at the meeting and spoke on behalf of the residents of Lime Gardens residential home with regards to concerns raised in relation to safety. It was confirmed that after requests had been received from residents with regards to serious safety issues due to parked cars, double yellow lines had been installed. After discussions had taken place with the current and previous Cabinet Members for Highways, it had been confirmed that the double yellow lines would stay in situ and would be enforced. Reference was made to the parking spaces that were already available and it was questioned why these were not being used as this would address the problems experienced. A question was raised as to who the key holders for the gates on the park were, and reference was made to a sign that had been displayed previously stating that parking was reserved for footballers only. Concern was raised regarding the length of time this issue had been ongoing and the need for a consultation exercise was brought into question, as this would only lengthen the time to resolve this serious issue, especially in view of the proposed installation of a pump track in the area which would require access and could result in further parking problems.

In response, the Vice-Chair confirmed that the Friends Group at Wollescote Park had been approached by the Council to become key holders and the request had been refused due to anti-social behaviour issues experienced in the park. The limited resources within the authority were acknowledged in relation to a staff member being appointed to open and close the gates. It was confirmed that the football teams who used the park would have access to a key to open and close the gates as they used the changing facilities on the park, and parking spaces had been made available to them to use on specific days. The need to resolve this issue as quickly as possible was reiterated but the need to observe the legal process was also acknowledged.

The Principal Lawyer replied accordingly stating that external legal advice had been sought as requested with regard to the status of the road that went through the public park and as the advice was legally privileged, it had been shared with Members of the Committee only. In summary, the Trust had been advised to consult with park users and the residents of Lime Gardens, and work was being undertaken with Green Care regarding the consultation. The legal opinion had advised that the next stage was for the Committee to consider the findings of the consultation exercise and engage with the Highways Authority, and that legal opinion was that the Highway Authority would have the legal power to leave the double yellow lines in place and enforce, although it was noted that referring to case law in this area, this was not a certainty. It was noted that the consultation also referred to the provision of extra parking in the park.

Referring to the provision of extra parking, Councillor N Neale stated that extra parking facilities would not address the issue as the gates were locked, and people wishing to park were being denied access.

68 **Change in Order of Business**

Pursuant to Council Procedure Rule 1 (c), it was :-

**Resolved**

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

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69 **Benjamin Drive Traffic Regulation Order and Parking – Homer Hill Park**

The Committee received a report from the Acting Service Director – Neighbourhood Delivery, updating Members on a consultation exercise concerning the Traffic Regulation Order and other parking at Homer Hill/Benjamin Drive.

In presenting the report, the Parks Development Manager confirmed that due to a lack of staff available, the authority relied on Friends Groups to take responsibility for opening and closing gates and that keys were provided to football clubs who could be requested to man the gates to allow access to the parking facility. In response, Councillor N Neale proposed that the gates be left open, and a height restriction barrier be installed to prevent access to large vehicles.

The Parks Development Manager referred to a report that had been submitted to a previous meeting by the Transport and Highways Services setting out a number of proposals which included: the provision of parking spaces at Benjamin Drive, strengthening the car park surface in the temporary parking areas in Homer Hill and adding a height restriction barrier, if this space was to be used as a permanent car park, and obtain further legal advice with regard to the retention and enforcement of the double yellow lines. In response to further concerns raised by the resident of Lime Gardens, the Parks Development Manager acknowledged that all car parks that were within parks faced parking challenges at different times of the year.



In response the Vice-Chair reiterated the challenges that had been experienced by residents when the car park gates had been left open. Reference was made to the opportunities the consultation would provide in terms of considering a plan of the park and where parking could be developed to meet current and future needs, including investigating the inclusion of space opposite the school to alleviate the major problems of parking within the area and consider appropriate parking surfaces. In relation to safety concerns raised, it was suggested that the football clubs that used the park be approached, to provide parking marshals at their events as part of their risk assessment. In response, the Parks Development Manager undertook to approach the teams.

In response, to the issue raised with regard to Public Space Protection Orders (PSPOs), the Parks Development Manager confirmed that consideration was being given to developing a PSPO for Wollescote Park and the request for Homer Hill could be considered at the same time, and it was noted that Police support and evidence of issues on that site would be required to take the order forward. The Chair proposed that PSPO's be considered for the four parks, namely Quarry Bank, Wollescote, Mary Stevens, and Homer Hill.

Councillor J Cowell raised concerns with relation to the provisions within the PSPOs, and the limitations with regards to Police involvement. It was advised that with the proposal of a pump track, proper access to emergency vehicles such as, ambulances would need to be considered.

The Principal Lawyer requested that the question stated in the consultation exercise regarding additional parking spaces be amended to read *'do you believe that additional parking spaces within the park, adjoining the park, and along Benjamin Drive would be helpful'*. In response, the Parks Development Manager suggested that a map of the park would also be included in the consultation which would identify possible areas for additional parking.

In conclusion, the Vice-Chair referred to a letter received from Mrs V Bloomer, Secretary of Homer Hill Park, which had been tabled at the meeting, with regards to the wording to be used in the proposed consultation. In response, it was suggested that that Chair of Homer Hill Friends Group, in consultation with the Chair of the Committee and the Parks Development Manager, consider the wording to be used before any consultation documentation be released.

## **Resolved**

- (1) That the information presented in relation to the consultation exercise to be undertaken on the Traffic Regulation Order and other parking at Homer Hill/Benjamin Drive, be noted.
- (2) That subject to the inclusion of the additional wording proposed by Legal Services as referred to above, and subject to any necessary amendments suggested as a result of consultation with the Chair of the Committee and the Chair of the Homer Hill Friends Group, the recommendation that the Parks Department Manager, in consultation with Legal Services, undertake a consultation exercise, be approved.

That the consultation include: the residents of Lime Gardens, the Friends of Homer Hill Park, park users and neighbouring properties.

- (3) That the Parks Development Manager, be requested to approach representatives of the football clubs that use Homer Hill, with regard to the proposal that they provide parking marshals for their events.
  - (4) That, the Parks Development Manager, undertake the necessary arrangements in relation to the issuing of Public Space Protection Orders on the four parks, namely Wollescote, Homer Hill, Mary Stevens and Quarry Bank.
  - (5) That, the request submitted for the Trust to fund the costs associated with producing the consultation material, estimated to be in the region of £500, be approved.
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70 **Request for Grant – Friends of Wollescote Park**

A report of the Director of Finance and Legal Services was submitted to consider the request for a grant from the Friends of Wollescote Park.

In response to a question raised by Councillor J Cowell in relation to additional funding requested from Halesowen Community Forum, it was confirmed that the funding had been approved and had been allocated.

The Chair referred to the tremendous work undertaken by the Friends Group and recommended that the request for the grant of £2,000 be approved.

**Resolved**

That, the grant application of £2,000 to Friends of Wollescote park, be approved.

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71 **Wollescote Park – 5g mast**

The Committee received a report of the Director of Regeneration and Enterprise in respect of the draft Heads of Terms as agreed with Cornerstone and seeking Members' authorisation 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.

In presenting the report, the Strategy and Governance Section Manager made specific reference to paragraph 8 of the report submitted, in relation to Cornerstone requesting consent from the Committee to enter the site to undertake a ground survey ahead of erecting a mast. In response, to the suggestion raised in relation to the mast to be painted an appropriate camouflage colour to blend in with foliage in the park, the Strategy and Governance Manager undertook to liaison with Cornerstone.

The Vice-Chair requested that his objection to the erection of a mast in the park, be noted.

**Resolved**

- (1) That the information submitted in relation to the erection of a 5g mast in Wollescote Park, be noted.
  - (2) That the Strategy and Governance Manager undertake discussions with Cornerstone, in relation to the proposal that the mast be painted to blend in with foliage in the park.
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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 Manager advised that, both tenants namely, Crafting for Carers and WeLoveCarers, had proposed to occupy all the existing space within the centre and concern was expressed that this would leave no space to be utilised by any other charities. It was noted that no rent was received by the authority from either charity, however, both charities were asked to cover a service charge. It was reported that, as a result of a utility bill that had been recently received, the service charge was still to be calculated and presented to both tenants for agreement.

In response, the Vice-Chair made reference to discussions that had been undertaken with WeLoveCarers and Adult Social Services, in relation to their proposal to expand the services they offered through developing a partnership with the Council. It was acknowledged that discussions were in the very early stages, and it was anticipated that Children's Services would become involved going forward.

Concerns were raised regarding the current condition of the building, and it was proposed that officers investigate the availability of any grants that could be accessed by charitable organisations as it was acknowledged that it was highly unlikely that either charity could contribute towards the significant costs that would be involved to upgrade the building. In response, the Strategy and Governance Manager referred to previous meetings where it had been discussed that the charities be offered longer lease terms in order for them to access grants.

The Vice-Chair referred to the valuable assets such charities offered to the Borough's residents, and it was confirmed that a meeting was to be arranged with the authority's Directors to consider the services that the charity could provide and how the authority could assist.

In conclusion, the Chair proposed that a further report, to include information requested by Members as referred to above, be presented to the next meeting of the Committee for consideration.

**Resolved**

- (1) That the information presented in relation to vacant space at the Mary Stevens Centre, be noted.
- (2) That the Strategy and Governance Manager be requested to provide a further, detailed report to the next meeting of the Committee for consideration to include information requested by Members at the meeting.

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73 **Stevens Park Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP).**

The Chair commented that as there were no representatives of the EJFP in attendance at the meeting, the Committee consider this item as part of agenda item no. 8 which would be heard in private for the reasons as outlined in the agenda.

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74 **Exclusion of the Press and Public**

**Resolved**

That the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information), as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

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75 **Stevens Park, Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP)**

A report of the Acting Service Director – Neighbourhood Delivery was submitted on the current situation with regard to the lease and the financial position of the Emily Jordan Foundation Projects (EJFP) at Stevens Park, Quarry Bank.

In presenting the report, the Funding and Projects Manager advised that since the last meeting, all parties had held meetings which included a meeting with the Lottery, who had set out key points for the EJFP to use in preparing their Business Development Plan to reach sustainability. It was reported that the EJFP had now submitted their finances and Business Development Plan, included as appendices to the report submitted, and both had been approved by the Lottery and the Council. The EJFP were confident that the gap in their finances could be addressed through several actions which were then presented.

To promote the partnership working, it was reported that the Council had proposed to hold regular meetings with the Directorate of Social Services/Dudley Disability Services to establish the assistance EJFP required from the Council.

Reference was made to an email sent on 22<sup>nd</sup> December 2023, from Mr C Jordan to his Solicitors instructing them to proceed. However, Legal Services advised that, to date, they had not received any contact from Mr Jordan's Solicitors to confirm that the lease was being progressed.

It was reported that Council officers had meet to discuss some items in the lease that were still to be considered and verified in terms of their compliance with all legal requirements before any agreement could be made. The authority felt they were now in the position to respond to EJFP with regard to the outstanding lease clause where upon the EJFP could instruct their Solicitors to proceed. It was proposed that a date should now be discussed for the completion of the lease.

In response, the Chair concurred with the importance of holding regular meetings with the EJFP and stressed that it was in the interest of all parties that the lease was signed as soon as possible and requested that a date be set for completion. The Funding and Projects Manager advised that the Council held quarterly meetings with the Lottery and meetings with the EJFP could be co-ordinated to report and feedback information from the Lottery.

In response to a question raised by Councillor J Cowell with regard to the café lease, the Funding and Projects Manager responded accordingly.

The Principal Lawyer advised further on the draft lease, advising that the Heads of Terms had been agreed as had been reported on in previous meetings, however, there were still outstanding issues that needed to be agreed, which were then outlined, and included the consideration of a schedule of conditions.

In response to a question raised in relation to a realistic timescale for completion, the Principal Lawyer advised on the procedure to be followed and stressed that contact with the Charity Commission could not be made until Mr Jordan's Solicitors had confirmed that the lease had been agreed, and the lease could not be completed until contact had been made with the Charity Commission.

The Funding and Projects Manager advised that Mr Jordan had stressed his commitment to signing the lease as it was understood that the lease was to be signed before further funding was made available to them from the Lottery.

The Chair referred to an email he had received from Mr Jordan outlining concerns he had raised. The Strategy and Governance Manager and the Funding Projects Manager responded accordingly with regard to the concerns raised in relation to EJFP outcomes and the condition of the building and reference was made to Appendix 6 of the report in this regard.

In conclusion, the Chair requested that, having considered all the comments made by Members at the meeting and the length of time this situation had been ongoing, an email now be sent to Mr C Jordan outlining the situation and request that the lease be agreed in full by 22<sup>nd</sup> March 2024, in order that the Council could be in the position to write to the Charity Commission to request consent.

### **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 Legal Services contact Mr C Jordan outlining the situation and requesting that he instruct his Solicitors to agree the lease in full by 22<sup>nd</sup> March 2024, so that the Council be in the position to write to the Charity Commission to request consent.
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### **76 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 7.30pm.

CHAIR

Lister Road Depot, Lister Road, Dudley, West Midlands DY2 8JW  
www.dudley.gov.uk



Our ref:	Service:	Direct Line:	Date:
[Type ref]	[Type service name]	[Type contact number]	[Type date]

[Address Starts Here]

Dear Park users.

The Council would like to seek your views on the car park provision at Homer Hill Park including the on-road parking along Benjamin Drive, and the future of the double yellow line markings Traffic Regulation Order (TRO), which has previously been implemented along both sides of the road. We would be grateful if you could complete the online survey, which can be found by using the following QR code, [or by completing a paper-based form and returning it back to the Council using the supplied envelope \(Sentence for Residents of Lime Gardens only\)](#)

Benjamin Drive is a private road on land in the ownership of Dudley Metropolitan Borough Council (DMBC), as Trustee, rather than as landowner, and Homer Hill Park is managed by the Ernest Stevens Trusts Management Committee.

In 2021 DMBC received a number of requests for action to be taken to prevent parking that was restricting access to the Lime Gardens retirement village from members of the public and resulting in concerns regarding access for emergency services.

It has been recommended that the enforcement of the TRO is put on hold whilst the Council consults, regarding a review of the TRO and the wider parking provision at Homer Hill Park.

If the need for additional parking has been identified as part of the consultation, we have included a plan indicating a future project to increase off road provision. Also, as part of the project we will consider changing the access gates to the top of the park off Homer Hill Road with a height restriction barrier, which will allow vehicle access to the park 24/7, and the parking facilities within the park. However, this can only be considered when future funding has become available.



We would be grateful if you could take the time to answer the following questions.

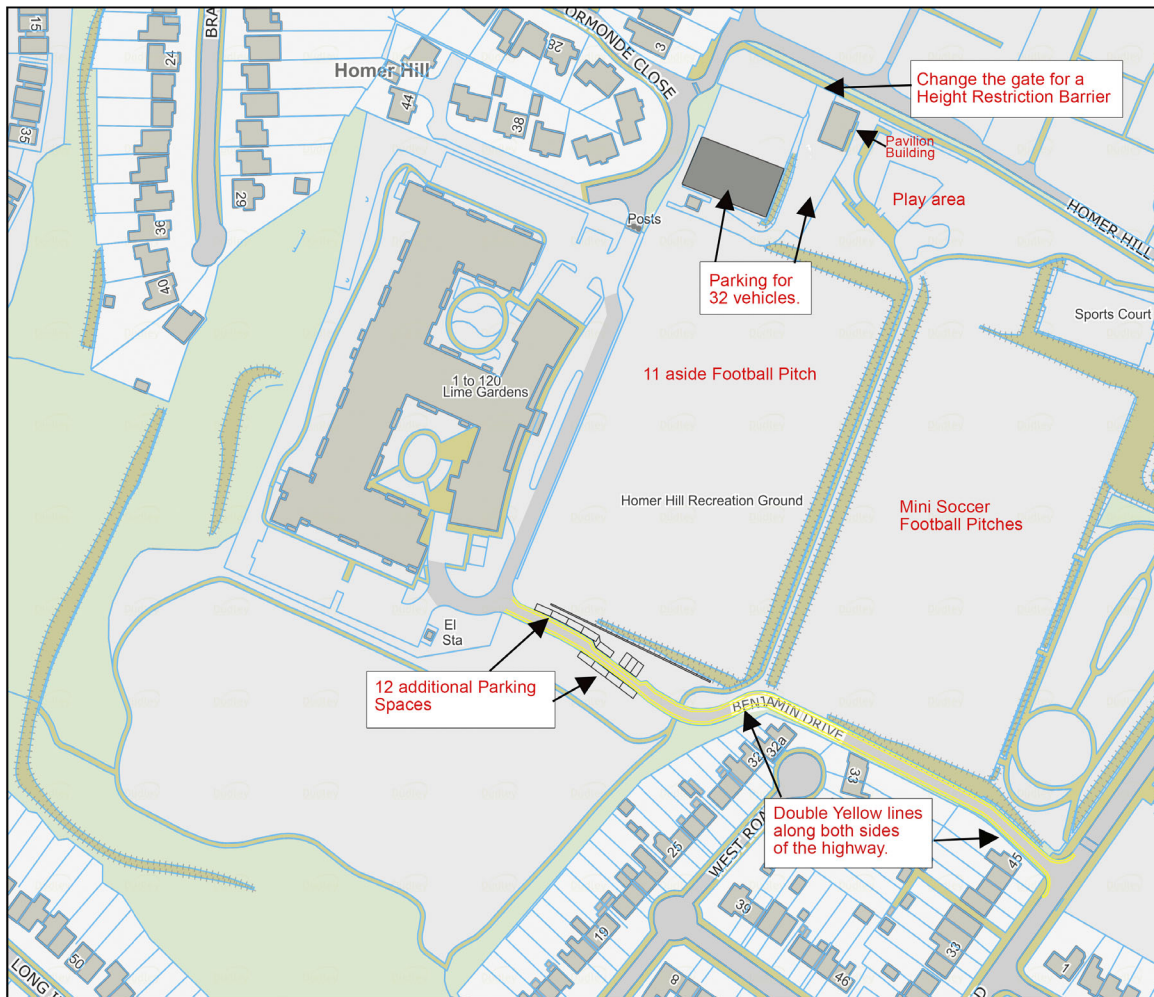
1. Do you visit or use the park? Yes ☐ No ☐
2. What activity do you visit the park for? .....
3. How do you normally travel to the park?

Walking	<input type="checkbox"/>
Cycling	<input type="checkbox"/>
Car	<input type="checkbox"/>
Public Transport	<input type="checkbox"/>
Other	<input type="checkbox"/>

4. Do you believe that additional parking spaces within the park or along Benjamin Drive would help? Yes ☐ No ☐
5. Do you believe the gate along Homer Hill Road can be changed to a height restriction barrier providing vehicle access 24/7 ?  
Yes ☐ No ☐
6. Have you experienced difficulties travelling on and down Benjamin Drive due to the parked vehicles? Yes ☐ No ☐

The consultation is open until the XXXXX and the results will be submitted to the Ernest Stevens Trust Management Committee for further consideration and action if necessary.

I would like to thank you for taking the time for completing the survey.



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## Homer Hill

**Dudley Metropolitan Borough Council**  
The Council House, Priory Road,  
Dudley DY1 1HF

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**Meeting of the Ernest Stevens Trust Management Committee – 10<sup>th</sup> April 2024**

**Report of the Director of Regeneration and Enterprise**

**Clayton Playing Field – Proposed Easement For Surface And Foul Water Drainage To Assist Adjoining Development**

**Purpose of report**

1. To inform the Management Trust Committee of a request made by the developer of the adjacent former Coseley Bath Sites for an easement to drain surface and foul water across the Clayton Playing Fields, Coseley.

For the Management Trust Committee to advise officers of the Council as to the way the Trust wishes to proceed with this request

To authorise the officers of the Council to proceed with the necessary actions as detailed in the report.

**Recommendations**

2. It is recommended that:
  - The Ernest Stevens Trust Management Committee note and approve the content of the report at the same time considering the Deed of Gift with the objective being that the decisions taken are within the best interests of the beneficiaries.
  - That the Director of Regeneration and Enterprise be authorised to negotiate the terms and conditions for the access licence, the easement to be granted and authorise officers of the council to proceed accordingly, including making suitable application to the Charity Commission for a Scheme to be granted and undertake all necessary actions to complete the matter.

## **Background**

3. The park is held in trust by the Council and the Conveyance dated 30th July 1934 includes the following covenant:

The Local Authority further declare and hereby covenant that they will not build or cause or suffer to be built upon the land hereby granted and conveyed any building or erection whatsoever other than such sheds or shelters as may be for the convenience of School Children playing thereon which said sheds or shelters shall be subject to the approval of the Company and they will pass all bye-laws necessary for the protection of ornamental trees flowers and the like which are now or may at any time be planted thereon”

The Company being The Cannon Iron Foundries Limited. Legal tried to trace this company a few years ago without success.

4. This land is registered at the Charity Commission – the charity number for Clayton Park is 522647.
5. The Charities Act 2011 states that:

Section 117 no land is to be conveyed, transferred or leased or otherwise disposed of without an order of the Court or Commission. Section 119 the charity trustees must before entering into any 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 disposition proposed to be made, are the best that can be obtained for the Charity.

6. As the easement will be required in perpetuity this will be regarded as a disposal of land and therefore the consent of the Charity Commission will be required.

## **The Proposal Details**

7. W13 Limited are the owners of the site of the former Coseley Baths, Pear Tree Lane, Coseley, WV14 8HA and are proposing the construction of new housing to the land. They have submitted a planning application for the new housing development – P21/0912 but this has not yet been decided upon.

8. During their design process they have identified that the best method of draining surface and foul water from their site is to access the public sewage network in The Paddock.
9. To make this connection requires access across a public right of way to install the drain within Clayton Playing Field, Coseley, adjacent to 29 The Paddock. Members need to be aware specifically the construction of the drain will impact the open-air gym – as it will be inaccessible for the duration of the works and the public right of way. The requirement will be for the Councils property to be reinstated once the works are complete.
10. The relevant Council Directorates have been consulted regarding the application and no objections have been received noting that any disruption to the land bordering the park will be minimal, there are no issues with them closing the gym for a period whilst the works are completed, and they must ensure that it is put back to its original condition once the works are completed. Construction of the drain will require the use of machinery.
11. If members are minded to agree the proposal the next steps are for council officers to be authorised to:
  - Agree terms for the developer to access the site which will in turn include agreeing the method of working, securing the site for the duration of the works and its reinstatement after the works.
  - Agree terms for the permanent easement to be agreed which will include access for future maintenance.
  - Consult with the charities commission to establish if a scheme permitting this easement on the terms agreed may be granted and to make such application.
  - Proceed with all necessary actions to grant the easement.

### **Finance**

12. There are no financial implications to DMBC of granting permission to allow this work to take place. Negotiations with the developer for the grant of the easement may give rise to a capital sum.

### **Law**

13.
  - The Council owns Clayton Park in trust and in accordance with the Constitution of the Council has delegated the administration of the charity to the Ernest Stevens Trust Committee.
  - Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where this

will enable them to discharge any of their functions and where the gifts are for the purposes of benefitting the inhabitants of their area.

- The law relating to trusts which are charitable is contained in key legislation being the Charities Act 1960, 1992, 1993, 2011, 2022 and the Trustee Investment Act 1962.

### **Risk Management**

14. There are no material risks to the Council presented by this paper. The risks sit with the contractor who has provided their safe method of working.

### **Equality Impact**

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

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

16. There are no Human Resources/Organisational Development implications from this report. The work required associated with this report will be achieved from existing internal resources.

### **Commercial/Procurement**

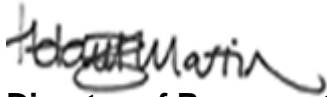
17. There are no commercial or procurement implications associated with this decision.

### **Environment/Climate Change**

18. There is no impact on the environment identified within this report.

### **Council Priorities and Projects**

19. This proposal has a direct link into the Borough Vision specifically: An affordable and attractive place to live with a green network of high-quality parks, waterways and nature reserves that are valued by local people and visitors.
20. The proposal supports wider Council and Borough activity and projects including Public Health and Wellbeing, Asset and Property Management and a positive impact on our customer base.



**Director of Regeneration and Enterprise**

Contact Officer: David Horrocks  
Telephone: 01384 815411  
Email: [David.Horrocks@dudley.gov.uk](mailto:David.Horrocks@dudley.gov.uk)

## **Appendices**

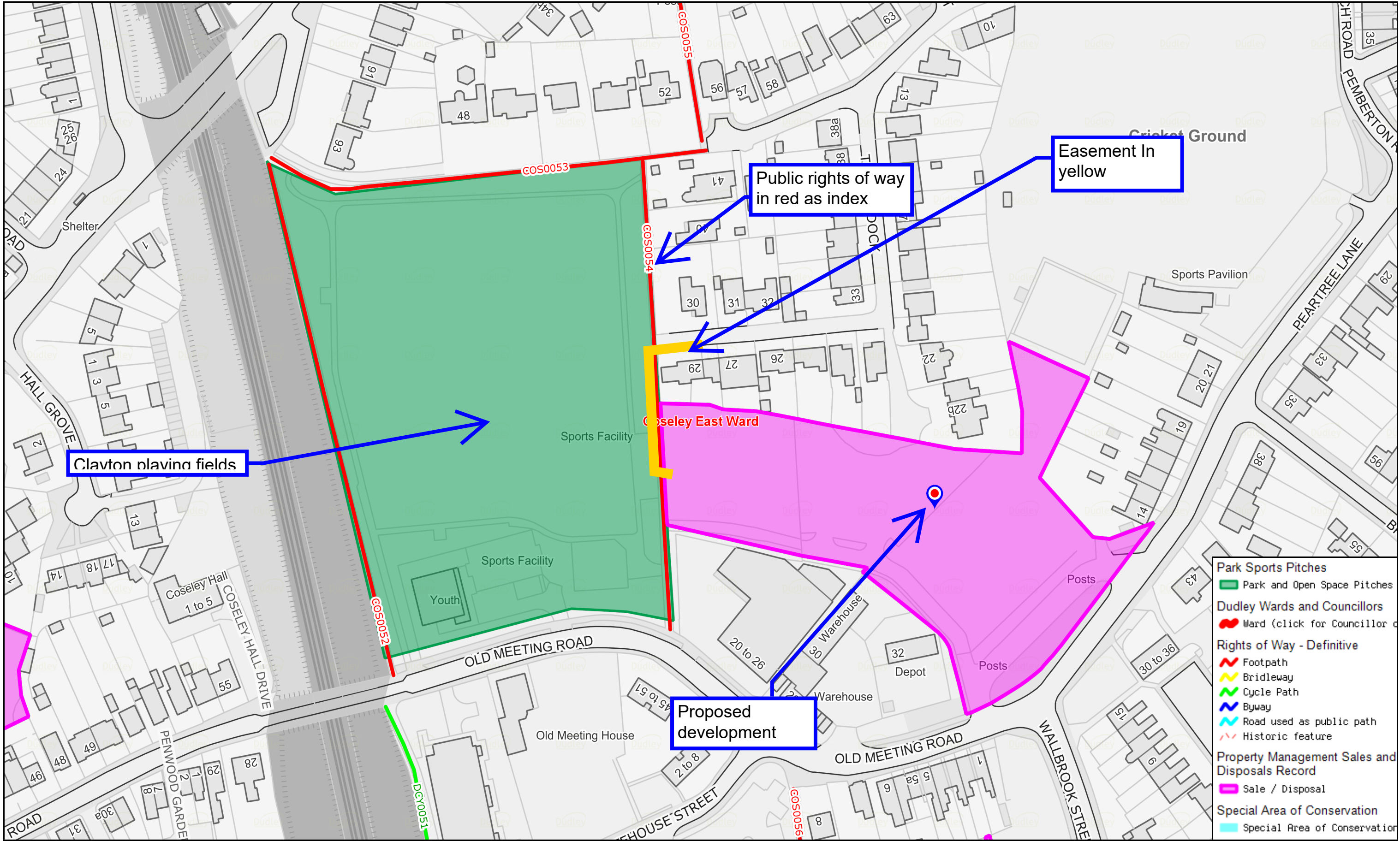
Appendix 1: Plan route of easement .

Appendix 2: Detailed easement plan

## **List of Background Documents**

Method statement – a comprehensive document details works and safety





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Pear Tree Lane- Easement over land at Clayton Playing Fields, Coseley - 33177 FMEW



**Dudley Metropolitan Borough Council**  
The Council House, Priory Road,  
Dudley DY1 1HF

Scale:1:1250

Created: 2024-01-15 10:29:24







**DRAINAGE NOTES:**

Proposed site impermeable area: 5300m<sup>2</sup>

**Surface water:**  
Site investigation report for the subject site on page 21 states the below:  
*'From reviewing the preliminary exploratory logs and based on findings of previous investigations it is considered that due to the of made ground across the site soakaway drainage is unlikely to be feasible at the site.'*

There are no watercourses located nearby therefore, surface water is discharged off site via control chamber utilizing vortex control device into the existing onsite adopted surface water sewer.

Proposed discharge rate for all storm up to 1 in 100 y + 40% CC and urban creep allowance is 5.0 l/s as per Developer Enquiry Response from Severn Trent Water (ref. 1033260). Due to site size constraints, surface water is attenuated within sewers and within offline private cellular attenuation tank.

**Foul water:**  
Foul water from the proposed development is discharging at 2 discharge points: dwellings fronting Pear Tree Lane are proposed to discharge into the existing onsite adopted foul water sewer which will need to be diverted as a part of the development.

Due to site topography, remaining dwellings are proposed to discharge via a new adopted foul water sewer towards the back of site, then in northern direction to connect to existing adopted foul water sewer located within the Paddock.

**NOTES:**

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL DRAWINGS & ALL OTHER RELEVANT ENGINEERING, ARCHITECTS & SPECIALIST DESIGN DETAILS.
2. ALL PRIVATE DRAINAGE TO BE WORK UNLESS SHOWN OTHERWISE.
3. THE POSITION, LINE, LEVEL, AND DIAMETER OF ALL EXISTING DRAINAGE APPARATUS SHOULD BE CONFIRMED ON SITE PRIOR TO THE COMMENCEMENT OF THE WORKS. ANY DISCREPANCIES SHOULD BE REPORTED TO THE ENGINEER IMMEDIATELY.
4. THE CONNECTION OF Foul AND SURFACE WATER DRAINAGE TO THE EXISTING SEWER SYSTEM SHALL BE SUBJECT TO THE APPROVAL OF THE CONTROLLING BODY.
5. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BRITISH STANDARDS, BS CODES OF PRACTICE AND BUILDING REGULATIONS.
6. ALL DRAINAGE WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH HSE 'SERVICES FOR ADOPTION (8TH EDITION)' AND 'CIVIL ENGINEERING SPECIFICATION FOR THE WATER INDUSTRY (7TH EDITION)'.  
7. PIPE PIPES AND FITTINGS TO COMPLY WITH BS EN 1401-1 1995/CLAYWARE PIPES AND FITTINGS SHALL COMPLY WITH BS EN 235:1991 PART 1
8. DRAINAGE TO BE 300 WITH PIPES OF APPROVED TYPE ON GRANULAR BED AND SURROUNDING AND ALL LAY IN STRICT ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS.
9. PIPES UNDER BUILDINGS AND WITH COVER LESS THAN 600 UNDER LANDSCAPED AND NON-TRAFFICED AREAS TO HAVE CONCRETE PIPE PROTECTION APPLIED.
10. CHAMBER COVERS AND FRAMES TO BE CASTLE FROM HEAVY DUTY GRADE 4000 SQUARE TRIANGULAR TO BS EN 124 IN CARPARKS AND HEAVY VEHICULAR TRAFFICED AREAS (150MM THICK). MANHOLE COVERS AND FRAMES TO BE CASTLE FROM MEDIUM DUTY GRADE 800 CIRCULAR OR RECTANGULAR TO EN 124 IN NON TRAFFICED AREAS.
11. ALL CEMENT USED IN THE CONSTRUCTION OF MANHOLES SHALL BE ORDINARY PORTLAND CEMENT (OPC) TO THE RELEVANT PROVISIONS OF BS 4027 CEM SPEC CL 2.15.12.
12. PIPES SHALL BE LAY TO THEIR TRUE LINE AND LEVEL BY LASER OR BY BOUNDING EACH END AND MIDDLE.
13. ALL SOFT SPOTS WITHIN PIPE TRENCHES SHALL BE REMOVED AND FILLED WITH TYPE 1 MATERIAL.
14. ALL FILL MATERIAL SHALL BE CONSOLIDATED IN LAYERS NOT EXCEEDING 225MM.
15. ALL IN SITU CONCRETE USED IN PIPE PROTECTION TO BE MIN. C20.
16. ALL EXISTING SERVICES IN AREA OF DRAINAGE WORKS TO BE IDENTIFIED, LOCATED BY HAND-OUT TRAIL HOLE METHODS AND DISCONNECTED OR DIVERTED AS REQUIRED, IN ACCORDANCE WITH ALL SERVICE PROVIDER APPROVAL AND METHODOLOGY PROCEDURES.

**GENERAL**

- Site boundary
- Existing public foul water sewer to remain
- Existing public foul water sewer to be abandoned/removed
- Existing public surface water sewer to remain
- Existing public surface water sewer to be abandoned/removed

**Foul water**

- Proposed private foul water drain
- Proposed adopted foul water sewer
- Adopted foul water sewer diverted under S185 application

**SURFACE WATER**

- Proposed private surface water drain
- Proposed adopted surface water sewer
- Adopted surface water sewer diverted under S185 application

Neighbour access to rear garden no. 4 retained

REV.	AMENDMENTS:	SK	KK	RS	DATE:
1	First Issue				07/10/2022

PROJECT: PEAR TREE LANE COSELEY, WILLENHALL

DRAWING TITLE: ENGINEERING LAYOUT

CLIENT: W13 DEVELOPMENTS

DRAWING NUMBER: S3778\_C0102

REVISION: SHEET SIZE: A1 SCALE: 1:250

STATUS: PRELIMINARY

**SIMPLIFY**  
STRUCTURAL ENGINEERING  
Telephone: 0115 432 0511  
Email: info@simplyeng.co.uk  
Website: www.simplyengineering.co.uk



## **Ernest Stevens Trust Management Committee**

### **Report of the Director of Environment**

#### **Stevens Park Quarry Bank regarding the lease for Tintern House with the Emily Jordan Foundation Projects (EJFP)**

##### **Purpose of report**

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

##### **Recommendations**

2. It is recommended that:-
  - The Ernest Stevens Trust Management Committee note the content of the report and inform Officers how they wish to proceed.

##### **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 tenable 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, meetings have been held and clauses have been redrafted and added to the lease to accommodate:
  - EJFP to secure their own Utility supplies
  - EJFP to revert to the Councils Building Insurance Policy
  - A Schedule of Condition and Responsibilities to be added.

The draft lease was sent to Chris Jordan on 11<sup>th</sup> March but we note that he is on holiday for 2 weeks. He hopes to instruct his solicitors to review the lease so they will have an assessment of it by week commencing 1<sup>st</sup> April 2024.

9. 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 and Cabinet Members Councillors Corfield and 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.

10. Project Board, Lottery and Ernest Stevens Trust Management Committee:
- The Project Board has been reconvened and updated on progress.
  - The Project Board has approved the current process and progress.

### **Finance**

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

### **Outcomes**

12. 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 was included as Appendices 1 and 2 of the previous report for the meeting of January 31<sup>st</sup>, 2024.

Since that time, the wording for the Outcome category for 'Caring Matters/Healthy Communities - Better Health' has been agreed and changed so that the evidence for: "Promote healthy eating by running a café at Tintern House" is now: "EJFP will endeavour to ensure that the Café Menu includes 40% Healthy Eating Options. "

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

13. 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**

### 14. Legal Services to Review:

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**

### 15. 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**

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

### 17. 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**

### 18. Not applicable to this report

## **Commercial/Procurement**

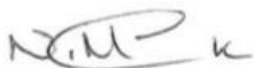
### 19. Not applicable to this report.

## **Environment/Climate Change**

20. 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**

21. 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".



.....  
**Nicholas McGurk**  
**Director of Environment**

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