

Ernest Stevens Trusts Management Committee

Report of the Assistant Director of Corporate Resources (Law & Governance)

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

Purpose of Report

1. To consider the request to grant a lease to Dudley Group NHS Foundation Trust.
2. To consider the request for additional building works to the Hospice.
3. To consider the creation of an emergency entrance/gate next to the lottery building which would also serve as a fire exit route from the grounds for that office block.
4. To consider the creation of 12 dedicated additional parking bays on the grassed areas opposite the Hospice.

Background

5. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
6. The lease to Mary Stevens Hospice at Clause 2(12) requires the tenant not to at any time during the continuance of the term hereby granted, erect or permit to be erected any additional buildings without the consent in writing of the Council and in the event of such permission being given permission from any planning authority should be gained.
7. Clause 2(21) contains a covenant against subletting.
8. It is proposed that Dudley Group NHS Foundation Trust be granted a 3 year lease agreement of part of the Hospice at a market rent to be negotiated and agreed and excluded from the Landlord and Tenant Act 1954. The occupiers will be Macmillan and the Community Palliative Care Support Team.
9. Approval was granted by the Ernest Stevens Trust Committee for an extension and internal refurbishment works under P13/0654. However, there are some additional works proposed which are internal and non-structural therefore will not require landlord's consent. However, it is proposed that additional works be undertaken which will affect the exterior proportions of the property; first 3 existing patient bedrooms as marked on the plan as "Phase 2" will be refitted with exits doors to the courtyard in line with the new commissioned rooms in Phase 1. This will be achieved by removing the existing windows and base of the wall (directly

underneath each window) and replacing these with an exterior door (same design as the 3 new bedrooms in Phase 1).

10. The existing bridge across from the Day Unit to the Lymph Care/Seminar rooms prevents the access for the fire service to drive underneath into the car park. In order to provide a solution following liaising with the fire service, the proposal is to create an emergency entrance/gate next to the Lottery building which will also serve as a fire exit route from the grounds for office staff. The proposed location will be in a remote corner of the grounds and in order to deter intrusion, a coded padlock would be used.
11. The Hospice are also considering creating 12 dedicated additional parking bays on the grassed areas opposite the Hospice. The additional spaces will help aid congestion and will coincide with the ending of an allowance to park on the green verges. Please see plan attached for your perusal.
 - Opposite Lymphcare adjacent to the main drive way the current path and flags stones would be cut into to make 3 drive-in spaces.
 - Adjacent to the day unit the proposal is to create 5 spaces following the bend of the road (opposite the park gates).
 - A further 2 bays for 2- 3 cars in between the existing trees.

This will be subject to planning consent due to the close proximity of the Site of Importance for Nature Conservation (SINC) and a Site of Local Importance for Nature Conservation (SLINC) to the proposed areas of development.

Finance

12. There are no financial implications to the Trustees

Law

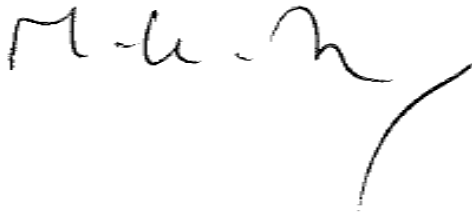
13. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
14. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, 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.
15. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Equality Impact

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

Recommendation

17. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to allow the above proposed works and to approve the lease to Dudley Group NHS Foundation Trust. All on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.



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List of Background Papers:

- Drawings of the proposed works.