

**Minutes of the Ernest Stevens Trusts Management Committee
Monday 23rd 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 27th 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.
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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 **Lease for Tintern House – Stevens Park, Quarry Bank**

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 **Ernest Stevens Trusts, King George V Park and Homer Hill Recreation 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 31st 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 undertaken to quantify 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.
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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