
Ernest Stevens Trusts Management Committee – 23rd October 2023

Report of the Director of Finance and Legal Services

Ernest Stevens Trusts, King George V Park and Homer Hill Recreation Ground - Final Accounts 2022/23

Purpose of report

1. To consider, approve and sign the accounts of the individual Trusts comprising the Ernest Stevens Bequests and the accounts of King George V Park (charity no 219684) and Homer Hill Recreation Ground (charity no 701251), for the financial year 2022/23.

Recommendations

2. It is recommended that:
 - a. The Committee approve the accounts of the Trusts, on behalf of the Council in their capacity as Trustees.
 - b. The Chair be authorised to sign the accounts.

Background

3. 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 (charity no 203087).
 - ii. Mary Stevens Park, Recreation Ground and Park, Norton (charity no 523195).
 - iii. Stevens Park, Quarry Bank (charity no 219690).
 - iv. Stevens Park and Recreation Ground Foundation, Wollescote (charity no 523196)
4. Only the Stevens Park and Recreation Ground Foundation, Wollescote has investments, which generate income for disbursement. All the Trusts, however, are maintained by Dudley MBC in relation to grounds and, where appropriate,

building maintenance. These costs have been identified in relation to each Trust and are offset by an equivalent Dudley MBC contribution to the Trusts, as income.

5. The income of the Stevens Park and Recreation Ground Foundation Trust, Wollescote, shall be applied in one or more of the following ways:
 - a. The maintenance and improvement of the property for the time being belonging to the Foundation:
 - b. The acquisition and laying out of additional land to be held in trust for the Foundation;
 - c. The maintenance and improvement of the property for the time being held by the Council on trust for the charitable purposes specified in deeds dated 6th December 1929 (Mary Stevens Park, Norton) and 13th February 1931 (Mary Stevens Maternity Home and Public Park)
 - d. The provision of facilities for recreation or other leisure time occupation, being facilities provided with the object of improving the conditions of life for persons resident in the Borough of Stourbridge.
 - e. Where in the opinion of the Council, the net income of the Foundation cannot be usefully and beneficially applied in accordance with the provisions of the last sub clause, it may be applied for such other charitable purposes for the benefit of persons resident in the Borough of Stourbridge as the Council may determine.
6. In 2001, the Charity Commission confirmed the opinion that because the Council uses its mainstream budget to maintain all the property in the trusts, it is permitted to give grants under paragraph 5e above.
7. 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.
8. There is no set maximum amount stipulated in the Trust deed for a grant.
9. At a previous meeting the Trustees agreed that subject to retaining the flexibility to consider each and every application on its own merit and to award grants at their discretion in special and exceptional circumstances, in accordance with the overall terms of the Trust Deed, the Trustees will apply the general criteria as follows;
 - a. Applications will normally be considered if they are for capital purposes up to a maximum grant of £5,000 or 50% of the project cost, whichever is the lower;
 - b. Consideration will be given to the applicant's ability to self fund the expenditure or to obtain funding from alternative sources;
 - c. Applicants will be able to apply for further funding from the Trust upon the expiry of two years from the date of the Committee meeting at which the previous grant award was approved.

10. At a previous meeting of this Committee, the Trustees agreed to continue a policy setting out the level of reserves needed to meet the objectives of the Charity. This policy was to maintain the “real” spending power of the bequest i.e. the permanent funds, as a fundamental part of the investment strategy. Therefore before any grants are awarded, it is confirmed that the value of the permanent funds adjusted for inflation has been maintained.
11. This Committee has the delegated power to act on behalf of the Trustee, Dudley MBC for the 4 Ernest Stevens Trusts.
12. In addition, the Committee has responsibility to consider and determine all matters relating to Trust land in the Borough. For the financial year 2022/23, activity relating to King George V Park and Homer Hill Recreation Ground is above the threshold at which these Trusts are required to produce final accounts. These accounts are therefore also presented for the approval of the Committee.
13. Statements of Accounts and Annual Reports for the Trusts are attached as Appendices 1 - 6.

Finance

14. The Accounts of the Trusts have been independently examined by the Head of Audit Services. The accounts and the signed Independent Examiner’s certificate will be sent to the Charity Commissioners, after approval by the Trustees.
15. The investment of resources is regulated by the Trustee Investment Act 1961. This Act puts limits on the power of Trustees in investing the funds in stocks, shares and bonds.

Law

16. In relation to the Ernest Stevens Trusts, the Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
17. 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.
18. The law relating to Trusts which are charitable is contained in various acts, the main one being the Charities Act 2011.

19. 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

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

Equality Impact

21. 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

22. The proposals in this report do not have any direct organisational development / Human Resources implications.

Commercial / Procurement

23. 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

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

Council Priorities & Projects

25. 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.



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