



Ernest Stevens Trusts Management Committee

Monday 20th April, 2015 at 6.00pm

In Committee Room 2 at 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 and sign the minutes of the meeting on 27th October, 2014 as a correct record.
5. Car Parking situation at Mary Stevens Park – Progress Report
6. Restrictions on Playing Ball Games on Sundays
7. Wollescote Hall, Wollescote Road, Stevens Park, Stourbridge – Request for the Grant of a Licence
8. Stevens Park and Recreation Ground Foundation Trust – Crystal Bowls Club Grant Application
9. Mary Stevens Hospice Summer Fete – 5th September, 2015
10. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).



Strategic Director (Resources and Transformation)

Dated: 10th April, 2015

Distribution:

Members of the Committee:

Councillor J Cowell (Chair) - Quarry Bank and Dudley Wood Ward

Councillor M Hanif (Vice-Chair) - Lye and Stourbridge North Ward

Councillor I Kettle - Pedmore and Stourbridge East Ward

Councillor I Marrey - Wollaston and Stourbridge Town Ward

Councillor G Partridge - Cradley and Wollescote Ward

Councillor H Rogers - Norton Ward

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- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Steve Griffiths, Telephone 01384 815235 or E-mail steve.griffiths@dudley.gov.uk

Minutes of the Ernest Stevens Trusts Management Committee

Monday 27th October, 2014 at 6.00 p.m.
In Committee Room 2, the Council House, Dudley

Present

Councillor J Cowell (Chair)
Councillor M Hanif (Vice-Chair)
Councillors L Jones, I Marrey, G Partridge and H Rogers

Officers

S Griffiths (Democratic Services Manager), M Wilcox (Interim Principal Lawyer),
N Bangar (Solicitor), R Cooper (Group Accountant) and T Webb (Property
Surveyor) - All Directorate of Corporate Resources
L Stuffins (Greenspaces Team Leader) – Directorate of the Urban Environment

10 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillor
I Kettle.

11 **Appointment of Substitute Member**

It was reported that Councillor L Jones had been appointed as a substitute
member for Councillor I Kettle for this meeting of the Committee.

12 **Declarations of Interest**

Councillor H Rogers – Non-pecuniary interest as Chair of the Friends Group for
Mary Stevens Park and Swinford Common. Also in relation to her involvement
with the Project Implementation Team - Heritage Lottery Bid for Mary Stevens
Park and attendance at stakeholder meetings.

Councillor J Cowell – Non-pecuniary interest as a Trustee of Mary Stevens
Hospice.

Councillor M Hanif - Non-pecuniary interests as a Trustee of Mary Stevens
Hospice and an attendee at meetings concerning Wollescote Park.

Councillor L Jones - Non-pecuniary interests as a former Trustee of Mary
Stevens Hospice.

Councillor G Partridge – Non-pecuniary interests as she received invitations to
stakeholder meetings and had been lobbied concerning Minute No. 15 below.

Councillor I Marrey – Non-pecuniary interest in relation to stakeholder meetings.

13 **Minutes**

Resolved

That the minutes of the meeting held on 9th September, 2014 be approved as a correct record and signed.

14 **Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease**

The Committee considered a report of the Director of Corporate Resources on a request to grant a lease to a prospective tenant for a cafe/refreshment use once conversion works had been completed at the former print unit located in Mary Stevens Park, Stourbridge.

Resolved

That the consent of the Committee be given to the grant of a lease to a prospective tenant for a cafe/refreshment use once the conversion works have been carried out to the former print unit at Mary Stevens Park, Stourbridge.

15 **Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays**

The Committee considered a joint report of the Directors of Corporate Resources and the Urban Environment concerning the provision of sports facilities and services in the three Stevens parks, with particular reference to the playing of ball games on Sundays.

The original Deeds of Gift contained restrictions concerning certain activities within each of the parks. These conditions had been maintained by the local authority throughout the past 80 years, however, it had been suggested that the condition preventing the use of the parks for ball games on Sundays should now be reviewed. The Friends of the three Stevens Parks had been consulted on this proposal. The Friends of Mary Stevens Park, Stourbridge and Stevens Park, Quarry Bank were against the lifting of the Sunday Play restriction. The Friends of Wollescote Park had, however, indicated that they would like to see the restriction lifted.

The report set out the background to the facilities for ball games at Wollescote Park, the Green Flag Award, volunteer investment in the park and the potential options for lifting the Deed restrictions. The Committee was requested to consider:

- (a) The needs of the various users on the park in particular the sports enthusiasts and the views of the direct descendants of Ernest Stevens.

- (b) The potential for lifting the Sunday restrictions on ball games in Wollescote Park only to accommodate the needs of the users and Friends of this park.
- (c) Authorising the Director of Corporate Resources to apply to the Charity Commission for consent to alter the Deeds of Gift to reflect the outcome of any decision made by this Committee.

The Committee discussed the report in detail and the legal implications of any proposed changes to the conditions set out in the original Deed of Gift. The Deed clearly reflected the wishes of Ernest Stevens at the time he had donated the land in trust to the local authority. Any proposal to lift the restrictions in the Deed of Gift would require the consent of the Charity Commission. A concern was expressed that removing the restriction in Wollescote Park alone would create a precedent for the other two parks. Differing views were also expressed on the practicalities of enforcing the existing restrictions on ball games on a Sunday.

Members expressed the view that consultation should be extended to local residents and other interested parties in addition to the Friends of the Parks Groups. It was also suggested that a preliminary approach be made to the Charity Commission to seek their impartial advice on the potential courses of action available to this Committee.

Resolved

- (1) That, in the light of the report now submitted and the views expressed by the Committee, the Director of Corporate Resources write to the Charity Commission seeking a preliminary view on the potential courses of action and legal implications concerning the restrictions on the playing of ball games on Sundays.
 - (2) That a copy of the correspondence sent to the Charity Commission be circulated to all Members of this Committee.
 - (3) That subject to a further report on the outcome of (1) above, consideration be given to a wider consultation exercise with local residents and interested parties.
 - (4) That the item referred to in Minute No. 9 of the previous meeting (Wollescote Park, Wollescote Road, Stourbridge – Grant of a Licence) be deferred until the meeting on 5th February, 2015 subject to the Director of Corporate Resources, in consultation with all Members of the Committee, being authorised to take any necessary action in case of urgency.
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Final Accounts

A report of the Treasurer was submitted, under cover of which the accounts of the individual Trusts comprising the Ernest Stevens Bequests for the year ended 31st March, 2014 were presented for approval.

Papers comprising the Notes on the Final Accounts, the Trustees' Annual Report, the Achievements and Performance of the Trust, together with the Independent Examiner's Report to the Trustees of the Ernest Stevens Trust, were attached to the report

The Group Accountant would consider a query raised concerning rental income. With regard to the mechanism for awarding grants, the Chair outlined that limited funds were available and the Committee would consider applications as and when appropriate. Members were asked to promote this and it was noted that potential grant applicants might also request funds from the relevant Community Forum.

Resolved

- (1) That, on behalf of the Council in their capacity as Trustees, the accounts of the Trusts for the year ended 31st March, 2014, be approved by the Committee.
- (2) That the Chair be authorised to sign the accounts

The meeting ended at 7.20pm

CHAIR

Ernest Stevens Trusts Management Committee – 20th April 2015

Report of the Strategic Director (Resources and Transformation)

Ernest Stevens Trust – Car Parking at Mary Stevens Park, Stourbridge

Purpose of Report

1. To update the Trustees on the current position concerning the car parking at Mary Stevens Park, Stourbridge.

Background

2. The Management Committee will be aware that at its meeting on 9th September 2014, the Committee following the attendance of Councillor T Crumpton (Cabinet Member for Children's Services and Lifelong Learning) resolved that the comments of the Cabinet Member for Children's Services and Lifelong Learning be noted and that continuing work to monitor the car parking situation be supported.
3. Subsequently the Council received an email on 18th November 2014 from the Charity Commission stating that it had received concerns from Margot James MP about the accessibility by the beneficiaries to use the above park and car parking facilities. Please see appendix 1.
4. The Council instructed specialised charity law solicitors to act on its behalf in the Council's capacity as the sole corporate trustee of the Charity and the Solicitors replied to the Charity Commission on 10th February 2015. Please see appendix 2.
5. The Charity Commission replied to the solicitors on 3rd March 2015. Please see appendix 3.
6. The specialist solicitors are in the process of replying to the Charity Commission in respect of the points raised and the current position.

Finance

7. There are no current financial implications to the Trustees in respect of this correspondence.

Law

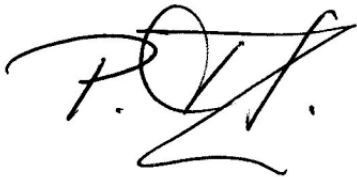
8. The Council is the registered Trustee of the charity and in accordance with the Council's Constitution has delegated the administration of the Charity to this Management Committee.
9. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property,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

Equality Impact

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

Recommendation

12. That the Committee notes the current position concerning the car parking at Mary Stevens Park, the ongoing correspondence with the Charity Commission and the legal advice being obtained.



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Philip Tart
Strategic Director (Resources and Transformation)

Contact Officer: Mandy Wilcox
Telephone: 01384 815310
Email: mandy.wilcox@dudley.gov.uk

From: FC Email Team (Queue) [<mailto:fcemailteam@charitycommission.gsi.gov.uk>]
Sent: 18 November 2014 10:22
To: Shelley Reynolds
Subject: FAO the Trustees of the Mary Stevens Charity CRM:0177008

Dear Mrs Reynolds

Mary Stevens Park – registered number 523195

I am writing to you as correspondent for the above named charity if you no longer hold this position I would be grateful if you could pass this correspondence onto your successor in order that it is brought to the attention of the relevant part of the Council that has responsibility for acting as the trustee for the charity.

I would explain that we have received concerns from Margot James MP about the accessibility by beneficiaries to use the above park. It is alleged that the Council are using some of the buildings for their statutory duties (Department for Environment and Department for Children's Services) and the Council staff have unrestricted and free of charge use of the recreation ground car park to the detriment of the beneficiaries. It is alleged that in order to alleviate this problem the Council propose to use some of the land owned by Swinford Common charity as an additional car park facility.

If I can provide a brief history for each charity,

- Mary Stevens Park – registered charity number 523195 – governed by a deed of gift dated 6 December 1929 – the Council as successors to The Mayor Aldermen and Burgess of the Borough of Stourbridge are the full trustee of the charity – the council hold this property for the trusts declared in the second schedule to this deed i.e. to be maintained as a Public Park and Recreation Ground (see clauses 1-3 of the second schedule)
- Swinford Common – registered charity number 523197 – governed by a conveyance dated 25 February 1928 – for the same reason as above the Council are the full trustee of the charity – the Council hold the property for the trusts declared in the conveyance under section (i) i.e. to permit the same to be left as an open space for the use of the inhabitants (especially children and young people) of the Borough of Stourbridge in perpetuity.

Both pieces of land are considered to be designated land i.e. also referred to as 'specie land', is required by the charity's governing document to be used for a particular purpose of the charity. There are certain restrictions over the disposal of this land, please see our guidance below.

I would be grateful for the trustees' comments on the above concerns, in particular I would be grateful for the following information,

1. Can you please confirm if the Council have disposed of any charity land or changed the use of any of the buildings erected thereon since the charities were established? If so under what authority? Did the Council as trustee obtain the relevant consents required by law at that time (currently section 117 of the Charities Act 2011)? I would be grateful for full details of each

instance together with the minutes of the meeting at which the trustees decided it was in the best interest of the charity to dispose of the land together with any professional received at that time.

2. Are the Council using the property to take forward its statutory duties? If so under what authority within the governing document have they allowed the use of the buildings? Do the Council pay a fee for the use of these buildings? If so upon what terms?
3. Does the Council allow its staff exclusive free use of the recreation ground car park to the detriment of the beneficiaries of the parks? I believe that the inhabitants have made representations to the Council about the inability to park on the charity land to be able to use the facilities. Can you please provide me with the trustees' comments on whether this is correct, details of the current car park arrangements and what they propose to do to resolve the current difficulties? Is part of the land held by Swinford Common charity an option?
4. Charity 523195 is up to date with its submissions however records a nil income and expenditure each year with the exception of 2008 where we did receive some accounts showing income and expenditure for a number of charities. Charity 523197 also shows nil income and expenditure and its latest submission is overdue. On this basis I would be grateful if you could please provide me with separate copies of the last five years accounts for each charity.

To assist the Council in providing the above information I would draw your attention to the following guidance.

Our publication 'Sales, leases, transfer or mortgages – what trustees need to know about disposing of charity land' provides full details of how the charity can dispose of charity land. It also provides full details on how designated land can be disposed of.

<https://www.gov.uk/government/publications/sales-leases-transfers-or-mortgages-what-trustees-need-to-know-about-disposing-of-charity-land-cc28/sales-leases-transfers-or-mortgages-what-trustees-need-to-know-about-disposing-of-charity-land>

Also our specialist guidance, Local Authorities as trustees OG 56, may be of interest.

<http://ogs.charitycommission.gov.uk/g056a001.aspx>

I would be grateful for a full response to all of the above within one month from receipt of this email.

Yours sincerely

Colette Flood (Mrs)
First Contact

From: Shivaji Shiva [Shivaji.Shiva@anthonycollins.com]
Sent: 10 February 2015 16:13
To: FC Email Team (fcemailteam@charitycommission.gsi.gov.uk)
Subject: Re: FAO the Trustees of the Mary Stevens Charity CRM:0177008
Attachments: MARY STEVENS RECREATION GROUND AND PARK 09-10.pdf; MARY STEVENS RECREATION GROUND AND PARK 10-11.pdf; MARY STEVENS RECREATION GROUND AND PARK 11-12.pdf; MARY STEVENS RECREATION GROUND AND PARK 12-13.pdf; MARY STEVENS RECREATION GROUND AND PARK 13-14.pdf

Dear Mrs Flood

The Mary Stevens Park – registered charity number 523195 ('the Charity')

This firm acts for Dudley Metropolitan Borough Council ('the Council') in relation to this matter, and we are instructed to respond to your email of 18 November 2014 on behalf of the Council (in its capacity as the sole corporate trustee of the Charity).

The Mary Stevens Park is, as its name suggests, a large park. It covers some 11 hectares and has extensive recreational facilities, areas of managed flower beds and grass, and a number of buildings.

In your email you asked for the Council's response to concerns raised by Margot James MP about the ability of members of the public to use the park, specifically the suggestion that:

- (i) some of the buildings on the Charity's land are being used by the Council's Department for Environment and Department for Children's Services in order to carry out the Council's statutory duties; and
- (ii) Council staff have unrestricted and free of charge use of the recreation ground car park to the detriment of the beneficiaries.

As you observed in your email, the Charity is governed by a deed of gift dated 6 December 1929. The Council is the full trustee of the charity and holds the park on the trusts declared in the second schedule to the deed of gift. The land is specie land: it must be used for the purposes of the charity.

The second schedule sets out at clause 2 the purposes for which buildings on the park may be used:

*"NO buildings shall be used or erected on the said land hereby assured other than ... for the use of the Public in visiting the Park and using the Recreation Ground or a free Public Reading Room Free Library Museum Picture Gallery Public Baths **Public Offices** Public Hall or any Public Memorial or any or all of them."*

(Our emphasis.)

The phrase 'public offices' is not defined in the deed of gift. It bears its ordinary meaning: buildings housing a government department or agency or used for civic business.

Clause 8(b) of schedule 2 goes on to provide that those of the buildings on the park that are used for public offices do not have to be opened to the public in the same way as the park, recreation ground and other buildings.

The buildings referred to in your email have, we understand, been used as offices of the Council and its predecessors since February 1930, shortly after the land was transferred to the Mayor Aldermen and Burgesses of the Borough of Stourbridge in 1929.

As you would expect, the particular activities carried out in the public offices has evolved between 1930 and 2015, but the buildings continue to be used as public offices (as well as for purposes necessary to the maintenance and public use of the park and recreation ground). Until recently the main building, known as the Council House, was used by the Council's Directorate of the Urban Environment. More recently, the Directorate of Children's Services

has moved into the building.

You also raised a number of specific questions. We respond below to your four numbered queries:

- 1. Can you please confirm if the Council have disposed of any charity land or changed the use of any of the buildings erected thereon since the charities were established? If so under what authority? Did the Council as trustee obtain the relevant consents required by law at that time (currently section 117 of the Charities Act 2011)? I would be grateful for full details of each instance together with the minutes of the meeting at which the trustees decided it was in the best interest of the charity to dispose of the land together with any professional received at that time.**

No, there has been no disposal of charity land. The Council occupies buildings at the park as public offices under licence.

- 2. Are the Council using the property to take forward its statutory duties? If so under what authority within the governing document have they allowed the use of the buildings? Do the Council pay a fee for the use of these buildings? If so upon what terms?**

Please see above. The Council occupies buildings at the park as public offices under licence.

The Council is aware of the Charity Commission's guidance to local authorities acting as charity trustees and is conscious of the potential for a conflict to arise between its duties as a charity trustee and its duties as a local authority. To help manage this risk and ensure that the assets of the Charity are managed independently and in accordance with the deed of gift, the Council has delegated the management of Mary Stevens Park to a committee – the Ernest Stevens Trust Management Committee – which comprises a total of six council members and operates under the oversight of the Council. The Council recognises that responsibility for its trusteeship of the Charity continues to rest with the whole Council.

The Council does not pay a fee for the use of the Charity's buildings. However, it uses its budget (and not charitable funds) to maintain the park, recreation ground and buildings. By doing so, it enables the Stevens Park and Recreation Ground charity (number 523196) to apply its income on purposes other than the maintenance of Mary Stevens Park. We understand this arrangement was considered, and approved, by the Charity Commission in 2001.

The cost of reactive maintenance to the building in recent years is as follows:

2011/12	£34,355
2012/13	£23,496
2013/14	£8,497
2014/15	£12,662 to date

The total annual maintenance costs for the whole of the site are significantly higher. In 2012/13 for example, they amounted to £112,172.

The Council as Trustee has explored options for using the Charity's buildings to generate income but has not yet found a way to enable the buildings to be used in a manner consistent with the purposes of the Trust while also generating a better return for the Charity.

- 3. Does the Council allow its staff exclusive free use of the recreation ground car park to the detriment of the beneficiaries of the parks? I believe that the inhabitants have made representations to the Council about the inability to park on the charity land to be able to use the facilities. Can you please provide me with the trustees' comments**

on whether this is correct, details of the current car park arrangements and what they propose to do to resolve the current difficulties? Is part of the land held by Swinford Common charity an option?

The Council does not allow its staff exclusive free use of the recreation ground car park.

The car park on Mary Stevens Park provides approximately 100 parking spaces and is open to members of the public throughout the day, as is a second car park a little further from the offices (accessed via Heath Road). The second car park (approximately 30 spaces) is for the sole use of the public – Council staff are advised by the managers of the offices not to use that facility. Both car parks are free to use and there are no barriers or signs deterring the public from using either of them.

If there are parking difficulties, they do not appear to be deterring visitors to the park; it attracts around 900,000 visitors each year. The Council is, however, currently reviewing the options for a long term parking strategy for the park. The options to be considered will include extending existing car parks and/or acquiring land adjacent to the park to increase the number of parking spaces. When the review is complete the Trust will be consulted on the options that emerge.

4. **Charity 523195 is up to date with its submissions however records a nil income and expenditure each year with the exception of 2008 where we did receive some accounts showing income and expenditure for a number of charities. Charity 523197 also shows nil income and expenditure and its latest submission is overdue. On this basis I would be grateful if you could please provide me with separate copies of the last five years accounts for each charity.**

We attach the last five years accountants for the Mary Stevens Park and will forward separately copies of the last five years' accounts for Swinford Common. We can confirm that for the reasons referred to above neither charity has had any income in the last five years. Of the four charities managed by the Council as a result of donations from Ernest Stevens only the Stevens Park and Recreation Ground (523196) has investments generating income.

You also refer to the allegation that:

5. **In order to alleviate this problem (by which we assume you mean a shortage of space for car parking) the Council propose to use some of the land owned by Swinford Common charity as an additional car park facility.**

As explained above the Council is reviewing its car parking strategy for Mary Stevens Park. In deciding how to proceed it will consider the terms on which the land of the two charities is held and seek specialist advice where appropriate.

We trust the above information allays your concerns. If you do have any further queries please do not hesitate to call me at the number below.

Yours sincerely

Shivaji Shiva

Shivaji Shiva

Senior Associate

for Anthony Collins Solicitors LLP

Direct dial: 0121 214 3693

Departmental fax: 0121 212 7438
Email: shivaji.shiva@anthonymcollins.com



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***** End of message *****

From: Shivaji Shiva [Shivaji.Shiva@anthonycollins.com]
Sent: 03 March 2015 18:20
To: Mandy Wilcox
Subject: RE: The Mary Stevens Charity CRM:0177008

Dear Mandy

I have received the response below from the Charity Commission.

Unsurprisingly, the Commission is seeking to question whether the use of the building is truly use as 'public offices' within the terms of the 1929 deed, but that argument is not put strongly.

I suggest we focus at this stage on providing clear and comprehensive responses to the other issues, that is:

- the history and constitution of the Ernest Stevens Trust Management Committee;
- how the Council manages conflicts of interest when making decisions about the Trust and the use of its assets;
- the way that the car parks are managed. (It may be that we can demonstrate that the approach taken is reasonable because, for example, it would be more expensive to police access to the car parks and the current capacity does not prevent problems – I would like to understand this better.)

Would it be helpful to schedule a call to discuss this before you request further information from colleagues?

Regards

Shivaji

Shivaji Shiva
Senior Associate
for Anthony Collins Solicitors LLP

Direct dial: 0121 214 3693
Departmental fax: 0121 212 7438
Email: shivaji.shiva@anthonycollins.com

From: FC Email Team (Queue) [<mailto:fcemailteam@charitycommission.gsi.gov.uk>]
Sent: 03 March 2015 11:19
To: Shivaji Shiva
Subject: RE: The Mary Stevens Charity CRM:0177008

Dear Mr Shiva

The Mary Stevens Park – registered charity number 523195

Thank you for your email received 10 February and the helpful information contained therein.

Whilst I agree that there is no definition of the term 'public offices' within the 1929 deed of gift, it could be argued that clauses 2 and 8 (b) would not allow the Council as trustee to use the building for its statutory purposes in the way they are i.e. this would be over and above what was envisaged to be a public office in 1929. In making the decision to move the two departments into this building how did the Council as trustee manage the conflict of interest? Can you please provide details? When was the Ernest Stevens Trust Management Committee set up? How is this body constituted? It is stated that it comprises of 6 council members and operates under the oversight of the Council, how could this be said to be independent? Who appoints the council members to act on this committee? Are the inhabitants represented on this committee?

I note that the Council have 'explored options to use the charity buildings to generate income but has not yet found a way to enable the buildings to be used in a manner consistent with the purposes of the trust while also generating a better return for the charity'. It should be remembered that if it can be demonstrated that any of the charity buildings are not required to be used for the purposes of the charity and it would be in the best interest of the charity to dispose of such, then rather than the buildings being empty the trustees can consider seeking the authority of the Charity Commission to dispose of such for purposes outside of the trusts i.e. on a full commercial basis with a view to generating funds. Guidance on disposing charity property can be found on our website.

The Council occupy the building by way of licence and you mention that they do not pay a fee for the use of the charity buildings but uses statutory funds to maintain the park, recreation ground and buildings by way of an arrangement with charity 523196. It is stated that the Commission agreed in 2001 to this arrangement. Unfortunately I cannot find any reference to this and would be grateful if you could supply copies of this correspondence.

We note that as charity trustee some good work has been undertaken with the development of the park, visitor numbers are high and may increase with the new facilities provided through grant funding. It is our view that the car parks whilst as you state are open to all of the inhabitants of the area, should only be used by those who are actually using the charity facilities i.e. the public park and recreation ground. If the smaller car park is only available to the public and the larger car park is already full with Council staff using the car park (i.e. 300 staff to 100 spaces) there is a possibility that there are no spaces for the beneficiaries who arrive later in the day, this would be an unacceptable situation. The charitable purposes are paramount and the needs of the beneficiaries should take precedence over those of the Council in its statutory capacity. It is stated that the Council are reviewing options for a long term parking strategy; do you have any draft proposals? Are the council undertaking this in their statutory capacity or as charity trustee? Bearing in mind my comments above will any such plans include no or limited staff parking on charity land? If not why is it in the best interest of the charity to allow Council staff full use of the larger car park? If it can be demonstrated that it is in the best interest of the charity that further land be acquired for parking then who will pay for such, the Council or the charity? Will part of the park land be converted to a car park, if so under what authority would the Council pursue this? What considerations have been given to consulting the inhabitants of the area over any proposals regarding the car park arrangements?

I look forward to hearing from you in due course.

Yours sincerely

Colette Flood (Mrs)
First Contact

----- Original Message -----

From: Shiva Shivaji

Received: 10/02/2015 16:12

To: FC Email Team (Queue)

Subject: *FAO Colette* - Re: FAO the Trustees of the Mary Stevens Charity CRM:0177008

Dear Mrs Flood

The Mary Stevens Park – registered charity number 523195 ('the Charity')

This firm acts for Dudley Metropolitan Borough Council ('the Council') in relation to this matter, and we are instructed to respond to your email of 18 November 2014 on behalf of the Council (in its capacity as the sole corporate trustee of the Charity).

The Mary Stevens Park is, as its name suggests, a large park. It covers some 11 hectares and has extensive recreational facilities, areas of managed flower beds and grass, and a number of buildings.

In your email you asked for the Council's response to concerns raised by Margot James MP about the ability of members of the public to use the park, specifically the suggestion that:

- (i) some of the buildings on the Charity's land are being used by the Council's Department for Environment and Department for Children's Services in order to carry out the Council's statutory duties; and
- (ii) Council staff have unrestricted and free of charge use of the recreation ground car park to the detriment of the beneficiaries.

As you observed in your email, the Charity is governed by a deed of gift dated 6 December 1929. The Council is the full trustee of the charity and holds the park on the trusts declared in the second schedule to the deed of gift. The land is specie land: it must be used for the purposes of the charity.

The second schedule sets out at clause 2 the purposes for which buildings on the park may be used:

*"NO buildings shall be used or erected on the said land hereby assured other than ... for the use of the Public in visiting the Park and using the Recreation Ground or a free Public Reading Room Free Library Museum Picture Gallery Public Baths **Public Offices** Public Hall or any Public Memorial or any or all of them."*

(Our emphasis.)

The phrase 'public offices' is not defined in the deed of gift. It bears its ordinary meaning: buildings housing a government department or agency or used for civic business.

Clause 8(b) of schedule 2 goes on to provide that those of the buildings on the park that are used for public offices do not have to be opened to the public in the same way as the park, recreation ground and other buildings.

The buildings referred to in your email have, we understand, been used as offices of the Council and its predecessors since February 1930, shortly after the land was transferred to the Mayor Aldermen and Burgesses of the Borough of Stourbridge in 1929.

As you would expect, the particular activities carried out in the public offices has evolved between 1930 and 2015, but the buildings continue to be used as public offices (as well as for purposes necessary to the maintenance and public use of the park and recreation ground). Until recently the main building, known as the Council House, was used by the Council's Directorate of the Urban Environment. More recently, the Directorate of Children's Services has moved into the building.

You also raised a number of specific questions. We respond below to your four numbered queries:

- 1. Can you please confirm if the Council have disposed of any charity land or changed the use of any of the buildings erected thereon since the charities were established? If so under what authority? Did the Council as trustee obtain the relevant consents required by law at that time (currently section 117 of the Charities Act 2011)? I would**

be grateful for full details of each instance together with the minutes of the meeting at which the trustees decided it was in the best interest of the charity to dispose of the land together with any professional received at that time.

No, there has been no disposal of charity land. The Council occupies buildings at the park as public offices under licence.

2. Are the Council using the property to take forward its statutory duties? If so under what authority within the governing document have they allowed the use of the buildings? Do the Council pay a fee for the use of these buildings? If so upon what terms?

Please see above. The Council occupies buildings at the park as public offices under licence.

The Council is aware of the Charity Commission's guidance to local authorities acting as charity trustees and is conscious of the potential for a conflict to arise between its duties as a charity trustee and its duties as a local authority. To help manage this risk and ensure that the assets of the Charity are managed independently and in accordance with the deed of gift, the Council has delegated the management of Mary Stevens Park to a committee – the Ernest Stevens Trust Management Committee – which comprises a total of six council members and operates under the oversight of the Council. The Council recognises that responsibility for its trusteeship of the Charity continues to rest with the whole Council.

The Council does not pay a fee for the use of the Charity's buildings. However, it uses its budget (and not charitable funds) to maintain the park, recreation ground and buildings. By doing so, it enables the Stevens Park and Recreation Ground charity (number 523196) to apply its income on purposes other than the maintenance of Mary Stevens Park. We understand this arrangement was considered, and approved, by the Charity Commission in 2001.

The cost of reactive maintenance to the building in recent years is as follows:

2011/12	£34,355
2012/13	£23,496
2013/14	£8,497
2014/15	£12,662 to date

The total annual maintenance costs for the whole of the site are significantly higher. In 2012/13 for example, they amounted to £112,172.

The Council as Trustee has explored options for using the Charity's buildings to generate income but has not yet found a way to enable the buildings to be used in a manner consistent with the purposes of the Trust while also generating a better return for the Charity.

3. Does the Council allow its staff exclusive free use of the recreation ground car park to the detriment of the beneficiaries of the parks? I believe that the inhabitants have made representations to the Council about the inability to park on the charity land to be able to use the facilities. Can you please provide me with the trustees' comments on whether this is correct, details of the current car park arrangements and what they

propose to do to resolve the current difficulties? Is part of the land held by Swinford Common charity an option?

The Council does not allow its staff exclusive free use of the recreation ground car park.

The car park on Mary Stevens Park provides approximately 100 parking spaces and is open to members of the public throughout the day, as is a second car park a little further from the offices (accessed via Heath Road). The second car park (approximately 30 spaces) is for the sole use of the public – Council staff are advised by the managers of the offices not to use that facility. Both car parks are free to use and there are no barriers or signs deterring the public from using either of them.

If there are parking difficulties, they do not appear to be deterring visitors to the park; it attracts around 900,000 visitors each year. The Council is, however, currently reviewing the options for a long term parking strategy for the park. The options to be considered will include extending existing car parks and/or acquiring land adjacent to the park to increase the number of parking spaces. When the review is complete the Trust will be consulted on the options that emerge.

4. Charity 523195 is up to date with its submissions however records a nil income and expenditure each year with the exception of 2008 where we did receive some accounts showing income and expenditure for a number of charities. Charity 523197 also shows nil income and expenditure and its latest submission is overdue. On this basis I would be grateful if you could please provide me with separate copies of the last five years accounts for each charity.

We attach the last five years accountants for the Mary Stevens Park and will forward separately copies of the last five years' accounts for Swinford Common. We can confirm that for the reasons referred to above neither charity has had any income in the last five years. Of the four charities managed by the Council as a result of donations from Ernest Stevens only the Stevens Park and Recreation Ground (523196) has investments generating income.

You also refer to the allegation that:

5. In order to alleviate this problem (by which we assume you mean a shortage of space for car parking) the Council propose to use some of the land owned by Swinford Common charity as an additional car park facility.

As explained above the Council is reviewing its car parking strategy for Mary Stevens Park. In deciding how to proceed it will consider the terms on which the land of the two charities is held and seek specialist advice where appropriate.

We trust the above information allays your concerns. If you do have any further queries please do not hesitate to call me at the number below.

Yours sincerely

Shivaji Shiva

Shivaji Shiva
Senior Associate

for Anthony Collins Solicitors LLP

Direct dial: 0121 214 3693

Departmental fax: 0121 212 7438

Email: shivaji.shiva@anthonycollins.com

----- Charity trustees need to report actual or suspected serious incidents to the Commission and should do so as soon as they are aware of them. If trustees fail to report a serious incident, the Commission may consider this to be mismanagement and take regulatory action. Find out more at : www.gov.uk/how-to-report-a-serious-incident-in-your-charity Consider the environment. Please don't print this e-mail unless you really need to. -----

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Birmingham
B3 2ES

Tel: 0121 200 3242

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***** End of message *****

Ernest Stevens Trusts Management Committee – 20th April 2015

Report of the Strategic Director (Resources and Transformation)

Ernest Stevens Trusts - Restrictions on Playing Ball Games on Sundays

Purpose of Report

1. It was resolved at the Committee meeting on Monday 27th October 2014 that the Director of Corporate Resources write to the Charity Commission seeking a preliminary view on the potential courses of action and legal implications concerning the restrictions on playing ball games on Sundays. Further, that a copy of the correspondence sent to the Charity Commission be circulated to all Members of this Committee.

Background

2. The Director of Corporate Resources wrote to the Charity Commission on 2nd December 2014 requesting the views of the Commission on potential courses of action and any legal implications concerning the possible amendment to the restriction of ball games on a Sunday and Good Friday. Copies of the email were circulated to Members of the above Committee. Please see Appendix 1.
3. On 20th March 2015 the Charity Commission replied to the email suggesting that the Council take specialised legal advice in respect of the land and the possibility of being able to remove the restrictive covenant. Please see Appendix 2.
4. The Council recommend taking further specialised legal advice and have sought a quotation for the likely costs to be incurred. However, at the time of writing this report no further information is available.

Finance

5. A quotation for the potential costs of the specialised legal advice have been requested.

Law

6. The Council is the registered Trustee of the charity and in accordance with the Council's Constitution has delegated the administration of the charity to this Management Committee.

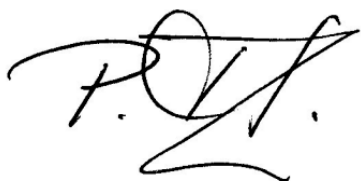
7. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions and where the gifts are for the purposes of benefitting the inhabitants of their area.
8. The law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Act 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Equality Impact

9. This report has no direct implications relating to the Council's equality and diversity policies.

Recommendation

10. That the Committee consider approving the authorisation of the specialised legal work to be undertaken to enable the Committee to formally consider the request to amend the restriction in the Deed of Gift, as raised at the Committee meeting on Monday 27th October 2014.



.....
Philip Tart
Strategic Director (Resources and Transformation)

Contact Officer: Mandy Wilcox (Principal Lawyer)
Telephone: 01384 5310
Email: mandy.wilcox@dudley.gov.uk

List of Background Papers

Minutes of the Committee dated 27th October, 2014
Appendices attached.

From: Mandy Wilcox
Sent: 04 December 2014 11:40
To: 'fcemailteam@charitycommission.gsi.gov.uk'
Cc: Mohammed Farooq
Subject: FW: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L

Dear Sirs,

Further to my last email on 2nd December, please see below for your further consideration, the comments from one of the members of the Trust Management Committee.

Kind regards,

Mandy Wilcox
Interim Principal Lawyer,
Corporate Litigation Team,
Law & Governance
Directorate of Corporate Resources
Dudley MBC
Tel No. 01384 815310
Email mandy.wilcox@dudley.gov.uk

From: Cllr. Heather Rogers [<mailto:Cllr.Heather.Rogers@dudleymbc.org.uk>]
Sent: 03 December 2014 15:57
To: Mohammed Farooq; Cllr. Jackie Cowell; Cllr. Mohammed Hanif (Members Office365); Cllr. Les Jones (Members Office365); Cllr. Ian Marrey (Members Office365); Cllr. Gaye Partridge (Members Office365); Cllr. Ian Kettle
Cc: Philip Tart; Steve Griffiths; Mandy Wilcox; Liz Stuffins
Subject: Re: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L

Dear Mohommed,

Ernest Stevens did not give Stevens Park, Wollescote to the council. A Deed of Gift was made between himself as Donor, and the council as recipient, to hold the property in trust to remain as a public park and recreation ground.

All the other Deeds of Gift from Ernest Stevens are the same, Mary Stevens Park, Stevens Park, Quarry Bank and Mary Stevens Hospice, formerly the Mary Stevens Nursing Home.

The conditions in the second schedule were agreed to be upheld by the council, and are basically the same in all the Deeds of Gift so he did not change his views during the period from 1921 to 1931 when these properties were given to be held in trust for the public.

The wording must be correct as it gives an entirely different meaning to the information in the email, and exactly what the council can do with the property. Dudley MBC does not own the land but is a Charity Trustee.

Could this be corrected please with a further email to the Charity Commission?

Thank you.
kind regards

Heather

[Cllr. Heather Rogers](#)

['Working for you in Norton'](#)

[01384 824939](#)

From: Mandy Wilcox
Sent: 02 December 2014 11:55
To: 'fcemailteam@charitycommission.gsi.gov.uk'
Cc: Mohammed Farooq
Subject: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L

Dear Sirs,

By the above Deed of Gift Ernest Stevens gave the property to the Council subject to the conditions set out in the second schedule. The Friends of the Wollescote Park wish to have the document amended to allow the public to play ball games on a Sunday and Good Friday. The condition that is of concern to the Trustees is "The Council shall be at liberty from time to time to make such reasonable charge or charges as it may determine for the use by adults of a portion or portions of the Parks and Recreation Grounds for Golf, Cricket, Football, Hockey, Tennis and bowls, Croquet, Boating, Swimming and/or other games and recreations approved by the Council but no games or sports shall be played or indulged in on a Sunday or Good Friday"

The Council proposes to carry out a wider consultation with the local residents and interested parties with regard to the request to amend the Deed of Gift to allow ball games on a Sunday and Good Friday and the result of the consultation will be presented to the Trustees. I now write to the Charity Commission to obtain its view on the potential courses of action and any legal implications concerning the possible amendment to the restriction of ball games on a Sunday and Good Friday. The Trustees have made no decision on this matter and wish to receive the views of the Charity Commission.

I look forward to hearing from you in respect of this matter.

Yours faithfully,

Mandy Wilcox
Interim Principal Lawyer,
Corporate Litigation Team,
Law & Governance
Directorate of Corporate Resources
Dudley MBC

Tel No. 01384 815310

Email mandy.wilcox@dudley.gov.uk

From: Jim Gerrard [<mailto:jim.gerrard@charitycommission.gsi.gov.uk>]
Sent: 20 March 2015 15:04
To: Mandy Wilcox
Subject: RE: CRM:0240476

Dear Ms Wilcox,

Our Ref: JG/4038851/C-407653-FC

Ernest Stevens Trust - Deed of Gift dated 29th September 1930

Thank you for your email and attachments dated 26 January 2015 addressed to my colleague Debbie Fleming. Please accept our sincerest apologies for the delay in replying to you, this was caused by the current exceptionally high volumes of correspondence at this office.

I thought it would be helpful to advise you that having looked at the Deed dated 29 September 1930, Clause 22 in the Deed contains a restrictive covenant. I would therefore advise you that the trustee would need to take specialist legal advice in respect of land and the possibility of being able to remove this restrictive covenant.

If once you have taken this advice, you are unable to remove the said restrictive covenant, you should at that point come back to us in order for us to consider if we are able to help further in this regard.

I hope the above is of assistance to you. I would again apologise for any inconvenience our delay in replying may have caused.

Yours sincerely,

Jim Gerrard

Charity Commission – First Contact Team

----- Original Message -----

From: Mandy Wilcox
Received: 26/01/2015 14:21
To: FC Email Team (Queue)
Subject:

Dear Ms. Fleming,

Thank you for your email.

I attach a copy of the Deed of Gift and alteration already agreed.

I look forward to hearing from you in due course.

Kind regards,

Mandy Wilcox
Interim Principal Lawyer,
Corporate Litigation Team,
Law & Governance

Directorate of Corporate Resources
Dudley MBC
Tel No. 01384 815310
Email mandy.wilcox@dudley.gov.uk

From: FC Email Team (Queue) [<mailto:fcemailteam@charitycommission.gsi.gov.uk>]
Sent: 22 January 2015 12:28
To: Mandy Wilcox
Subject: RE: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L
CRM:0207415

Dear Ms Wilcox

Thank you for your email. Please accept our apologies for the delay in replying.

According to our records, neither Ernest Stevens Trust nor The Friends of the Wollescote Park appear to be registered. As this is the case, we do not appear to hold a copy of the Deed of Gift dated 29 September 1930. We will need to see this document before we can comment further on the proposed amendment. We would therefore be grateful if you could arrange for a copy to be emailed to us.

We look forward to hearing from you.

Yours sincerely

Debbie Fleming

Charity Commission - First Contact

----- Original Message -----

From: Mandy Wilcox
Received: 02/12/2014 11:55
To: FC Email Team (Queue)
Cc: WOLLESCOTE COMMUNITY ASSOCIATION : 506451
Subject: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L

Dear Sirs,

By the above Deed of Gift Ernest Stevens gave the property to the Council subject to the conditions set out in the second schedule. The Friends of the Wollescote Park wish to have the document amended to allow the public to play ball games on a Sunday and Good Friday. The condition that is of concern to the Trustees is "The Council shall be at liberty from time to time to make such reasonable charge or charges as it may determine for the use by adults of a portion or portions of the Parks and Recreation Grounds for Golf, Cricket, Football, Hockey, Tennis and bowls, Croquet, Boating, Swimming and/or other games and recreations approved by the Council but no games or sports shall be played or indulged in on a Sunday or Good Friday"

The Council proposes to carry out a wider consultation with the local residents and interested parties with regard to the request to amend the Deed of Gift to allow ball games on a Sunday and Good Friday and the result of the consultation will be presented to the Trustees. I now write to the Charity Commission to obtain its view on the potential courses of action and any legal implications

concerning the possible amendment to the restriction of ball games on a Sunday and Good Friday. The Trustees have made no decision on this matter and wish to receive the views of the Charity Commission.

I look forward to hearing from you in respect of this matter.

Yours faithfully,

Mandy Wilcox
Interim Principal Lawyer,
Corporate Litigation Team,
Law & Governance
Directorate of Corporate Resources
Dudley MBC
Tel No. 01384 815310
Email mandy.wilcox@dudley.gov.uk

Ernest Stevens Trusts Management Committee – 20th April 2015

Report of the Strategic Director (Resources and Transformation)

Ernest Stevens Trust – Wollescote Hall, Wollescote Road, Stevens Park, Stourbridge – Request for the Grant of a Licence

Purpose of Report

1. To consider the request for a licence to be granted on the grounds of Wollescote Park, Wollescote Road, Stourbridge in order for the erection of 2 No. temporary sheds for additional changing facilities; a licence to occupy rooms on the ground floor at Wollescote Hall on match days and permission to site a 4-shelf metal storage cupboard in Wollescote Hall.

Background

2. Wollescote Park 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 in the Council's constitution.
3. Crystal Bowls Club has been in occupation of rooms on the first floor of Wollescote Hall for a number of years, jointly with the Black Country Bowls Club and the Sons of Rest.
4. It is proposed that a licence be explored in order for Crystal Bowls Club (CBC) to occupy rooms on the ground floor of Wollescote Hall, currently used by the Sons of Rest, on certain dates this year in order to provide catering facilities on match days for visiting clubs. A similar licence was granted to the Black Country Bowls Club (BCBC) to use the rooms also.

The dates in which the CBC wishes to use the rooms are as follows:-

April	-	Sat. 25 th
May	-	Sat. 2 nd ; Sun. 10 th ; Sat. 30 th
June	-	Sat. 6 th
July	-	Thurs. 2 nd ; Sat. 18 th ; Thurs. 23 rd
August	-	Sat. 1 st ; Thurs. 6 th ; Thurs. 20 th ; Sat. 29 th
September	-	Wed. 9 th

5. In addition, the CBC would also like to erect 2 No. 14' x 8' temporary sheds for additional changing facilities for the Club. The sheds are proposed to be located within the bounds of the level green Bowling Green and adjacent to the existing pavilion. The Club have sought pre-planning advice that has been approved subject to a full planning application being submitted; currently in progress.

6. Furthermore, the CBC have also requested to site a 4-shelf metal storage cupboard in the Hall in order to house catering equipment to be used by both Clubs; measuring at 914W x 457D x 1829H with double doors and a lock. The Sons of Rest have no objections for it to be sited in the large area between the corridor door and the entrances to the toilets; the space is large enough and will not interfere with anyone against the left-hand wall. This cupboard will make life much easier by not having to cart equipment to and fro each time the Clubs use the rooms.

Finance

7. There are no financial implications to the Trustees

Law

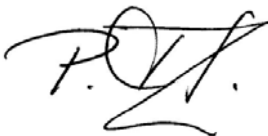
8. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
9. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property,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

Equality Impact

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

Recommendation

12. The Committee is requested to consider approving the grant of a licence to the Crystal Bowls Club to occupy rooms in the Hall on match days, to erect 2 No. temporary sheds for additional changing facilities and permission to site a 4-shelf metal storage cupboard in the Hall.



.....
Philip Tart
Strategic Director (Resources and Transformation)

Contact Officer: Sonia McLean – Property Manager
Telephone: 01384 815321
Email: sonia.mclean@dudley.gov.uk

Ernest Stevens Trusts Management Committee – April 2015

Report of the Chief Officer for Finance & Legal Services
Stevens Park and Recreation Ground Foundation Trust

Purpose of Report

1. To consider the request for a grant from Stevens Park and Recreation Ground Foundation Trust.

Background

2. 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
3. Only the Stevens Park and Recreation Ground Foundation has investments, which generate income for disbursement.
4. 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.
5. 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.
6. 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 £5000 or 50% of the total cost of a capital project.

Application

Crystal Bowls Club

7. The applicant is a Level Green Bowls club aiming to foster and safeguard the quality of the Level Green game of bowls for the community irrespective of age, sex, religion, disability, sexual or financial standing .

8. The club covers the area of the former Urban District of Lye and Wollescote, and the wider area of Dudley Metropolitan Borough Council, as well as having members from further afield
9. The club wishes to erect two 14' x 8' sheds as additional changing facilities; one for ladies and one for men. A full planning application will be lodged shortly. An informal opinion from the planning office suggests a temporary (3 year) permission could be granted. (pre-application ref PRE15/00183)
10. They have raised £308 so far with a Horse Race evening. They also are considering a request for funds from the Community Forum but have not yet applied
11. The total cost of this project is estimated at £4300 and the applicant has requested a grant up to this amount. The cost includes the cheaper of 2 quotes for the structures plus foundations, planning fees, timber, paint, locks and other peripherals. It also includes a contingency of £117.
12. It should be noted that the park staff would prefer to prepare the foundations themselves but have yet to provide a quote
13. The applicant has submitted their constitution and a history of the club and detailed reasons regarding the benefits of gaining better changing facilities
14. Accounts for the two years to 30th September 2013 and 2014 which show cash at bank and petty cash amounting to £11,103 at the end of that period

Finance

15. During the last financial year no grants have been awarded. This is the first meeting of the new financial year and this is the only grant request received so far.
16. The income of the trust in 2014/15 is approximately £16,000 and it is expected that this will not significantly change in 2015/16.
17. 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. The total sum shown in Paragraph 14 above could be spent without jeopardising the strategy. However, should the value of the investment fall, any income then generated would need to be reinvested and would not be available for disbursement.

Law

18. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
19. 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.
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.

21. The law relating to Trusts, which are charitable, is contained in various acts, the main ones being the Charities Act, 1960, the Charities Act 1992 and 1993, and the Trustee Investment Act, 1961.

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.

Recommendation

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



Chief Officer for Finance & Legal Services

Contact Officer: James Croft

Telephone: 01384 815365

Email: james.croft@dudley.gov.uk

List of Background Papers

Application form and quote; Accounts for year to 30th September 2014 - *Emailed to Members prior to the meeting but contain exempt information under terms of part 1 of Schedule 12A to the Local Government Act 1972.*

Ernest Stevens Trusts Management Committee – 20th April 2015

Report of the Strategic Director (Resources and Transformation

Ernest Stevens Trust – Mary Stevens Hospice Summer Fete on 5th September 2015

Purpose of Report

1. To consider a request from The Mary Stevens Hospice to have a real ale stand where one local brewer would provide their ales as well as a pimm's and prosecco stall at the Summer Fete on 5th September 2015.

Background

2. The Hospice hope to increase the number of local businesses and suppliers to promote local items to the wider community. The alcohol would be limited and restricted to the real ale stand and pimm's/prosecco stall. The Hospice hope this year for the fete to appeal to a much wider cross-section of the local community where the Hospice will be able to introduce them to the fantastic work that the Hospice does. This would hopefully increase monies raised by the Hospice which would allow the Hospice to continually improve and enhance the service provided to the community.
3. In the Deed of Gift dated 13th February 1931 made between Ernest Stevens (1) The Mayor Alderman and Burgesses of the Borough of Stourbridge (2) there is a restriction as follows:-

“No intoxicating beverages shall be made or sold or consumed on these premises except as may be ordered by any resident or visiting medical practitioner”

In the lease dated 30th November 1990 made between the Borough Council of Dudley (1) The Mary Stevens Hospice (2), the Hospice covenant to use the premises as a hospice for the provision of care of patients who are resident in the former County of Worcestershire or in adjoining areas or elsewhere within the area of the West Midlands Regional Health Authority and who are suffering from chronic or terminal illnesses and for the purposes ancillary thereto. The hospice also covenant not to carry on or permit or suffer to be carried on upon the premises any trade of noxious or offensive nature.

4. The Hospice will need to download and complete an application form for a temporary event, giving the Council (Licensing Section) 10 clear working days notice. A copy of the notice will also need to be served on the Police and Environmental Health. The area of land with the stalls will need to be sectioned

off and only hold 499 people (including staff organising the event) as a maximum number of people in attendance.

Finance

5. There are no financial implications to the Trustees.

Law

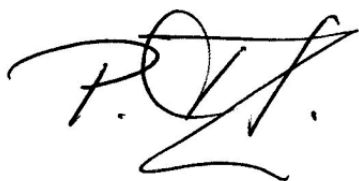
6. The Council is the registered Trustee of the charity and in accordance with the Council's Constitution has delegated the administration of the charity to this Management Committee.
7. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions and where the gifts are for the purposes of benefitting the inhabitants of their area.
8. The law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Act 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Equality Impact

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

Recommendation

10. That the Committee consider the request made by the Hospice, as above, in respect of the Fete.



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Philip Tart
Strategic Director (Resources and Transformation)

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