

## **Ernest Stevens Trusts Management Committee**

**Monday 21<sup>st</sup> July, 2014 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 28<sup>th</sup> April, 2014 as a correct record.
5. Terms of Reference of the Committee.



**Director of Corporate Resources**

**Dated: 11<sup>th</sup> July, 2014**

**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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**ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE**

Monday, 28<sup>th</sup> April, 2014 at 6.00 p.m.  
Wollescote Hall, Stevens Park, Wollescote Road, Stourbridge

**PRESENT**

Councillor Cowell (Chair)  
Councillor Hanif (Vice-Chair)  
Councillors Kettle, Partridge, Mrs Rogers and Sykes

**OBSERVER**

Councillor Elcock

**OFFICERS**

Assistant Director of Corporate Resources (Law and Governance) – Lead Officer to the Committee, Interim Principal Lawyer, Solicitor, Property Surveyor, Group Accountant, Principal Accountancy Assistant and the Democratic Services Manager (Directorate of Corporate Resources).

18 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was received on behalf of Councillor C Wilson.

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19 **APPOINTMENT OF A SUBSTITUTE MEMBER**

It was reported that Councillor Kettle was serving in place of Councillor C Wilson for this meeting of the Committee.

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20 **DECLARATIONS OF INTEREST**

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillors Cowell and Hanif – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

Councillor Sykes – Non-pecuniary interest as she knew the Chairman of the Teutoburger Wald Group referred to in Agenda Item No. 7 (Mary Stevens Park War Memorial).

Councillor Mrs 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.

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21 MINUTES

RESOLVED

That the minutes of the meeting held on 3<sup>rd</sup> February, 2014 be approved as a correct record and signed.

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22 TRUST LAND WITHIN DUDLEY

The Committee considered a report of the Director of Corporate Resources on land that was subject to registration at the Charity Commission and other trust land within the Borough. The Council, at its meeting on 2<sup>nd</sup> December, 2013, had extended the terms of reference of this Committee to include all trust land within the Borough.

Specific reference was made in the report to trust land at the following key locations:

King George V Park, Wordsley  
Homer Hill Recreation Ground, Cradley  
Swinford Common, Stourbridge  
Land known as Sedgley Beacon, Sedgley  
Land at Marsh Park, North Street/Church Street, Brierley Hill  
Pens Meadow School (Wordsley Hospital)  
Land at Dudley Wood, Dudley Wood Avenue/Newtown  
Woodside Library  
Clayton Playing Fields, Coseley  
Richardson Hall, Wordsley  
Bernard Oakley Memorial Gardens, Halesowen  
Mary Stevens Park, Stourbridge  
Wollescote Hall, Stourbridge  
Stevens Park, Quarry Bank  
Mary Stevens Maternity Home and Public Park, Stourbridge  
King George VI Park, Kingswinford

The Committee noted that other trusts existed in the Borough that were not registered at the Charity Commission, for example, Deeds of Dedication. Following comments by Members, the Assistant Director of Corporate Resources (Law and Governance) agreed to consider whether a further piece of work was required to identify other sites of trust land.

The Interim Principal Lawyer undertook to provide a copy of the 'leading case' referred to in paragraph 4 of the report to Councillor Mrs Rogers.

Reference was made to the financial implications of the report, which indicated that the Committee was responsible for administering the financial affairs of the Ernest Stevens Trusts. The Group Accountant undertook to clarify as to whether this should be extended to cover the financial affairs of other Trusts given the wider remit of the Committee, in particular the Bernard Oakley Trust.

A copy of the revised terms of reference would be provided to all Members of the Committee.

A query was also raised concerning charges for events in the parks covered by the Ernest Stevens Trusts, particularly restrictions prohibiting charges for children. This would be monitored in relation to future events.

In response to a question from a Member, Officers present at the meeting indicated that they were not aware of any plans to sell any of the land referred to in the report. It was noted, however, that consideration was being given to issues concerning caretakers houses in some parks.

The Committee was advised that any proposals affecting land registered with the Charity Commission would need to be considered by the Council as the trustee in the first instance. An application would then have to be made to the Charity Commission if any proposals were made that were contrary or required amendments to the original trust documents.

RESOLVED

That the report be noted.

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23

ERNEST STEVENS TRUST – MARY STEVENS CENTRE - LEASING ARRANGEMENTS

The Committee considered a report of the Director of Corporate Resources outlining the leasing arrangements for Mary Stevens Centre and proposing revised arrangements for future lettings to more clearly show the support given to the occupiers of the building.

The report indicated that the existing arrangements for lettings on a peppercorn basis did not show the value of the asset or the level of aid given by the Council to the various organisations. It was therefore proposed to grant all future leases at a market rent and to grant aid the rent back to the organisations concerned, subject to the tenant delivering agreed outcomes. This was in line with the Council's community asset transfer policy. It was also suggested that the revised arrangements would more accurately reflect the social value of the services provided by the organisations occupying the buildings.

A number of concerns were expressed about the proposals, in particular the process for measuring the agreed outcomes; ongoing responsibility for grounds maintenance; a potential conflict with the original deed of gift and issues concerning the condition of the buildings and the need for the Committee, as trustees, to be aware of any required repairs.

Following a discussion, the recommendation in the report was put to a vote and it was

**RESOLVED**

That the revised arrangements to grant future leases on market rental terms including a contribution for repairs and maintenance, as referred to in the report, be approved; that grant aid be subject to the tenant delivering agreed outcomes in line with the Council's community asset transfer policy; and that all other terms and conditions be negotiated by the Director of Corporate Resources.

(Councillors Kettle and Mrs Rogers voted against the above resolution and asked that their names be so recorded).

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**MARY STEVENS PARK WAR MEMORIAL**

The Committee considered a report of the Director of Corporate Resources on proposals from the Teutoburger Wald Group concerning the addition of the names of a further 26 casualties of World War 2 to the war memorial in Mary Stevens Park. The additional named casualties were from the Lye and Wollescote, Stourbridge area.

The Chairman of the Teutoburger Wald Group, Mr Raymond Griffiths, was present at the meeting and addressed the Committee. An approach had been made to the Council to add the names to the memorial on a purpose-made plaque at an estimated cost of £4,630. The Council had responded favourably to the request subject to the submission of suitable details of design and positioning.

The Committee supported the project and made reference to an application for Community Forum funding to undertake the necessary works.

**RESOLVED**

That the proposed project be supported and that the thanks of the Committee be extended to Mr Griffiths and the Teutoburger Wald Group for their ongoing work.

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Further to Minute No. 15 of the meeting of the Committee held on 3<sup>rd</sup> February, 2013, a report of the Director of Corporate Resources was considered on a grant application from the Friends of Swan Pool Park. The application was for £5,000 towards a project to provide a youth shelter and up to six benches in various locations.

The Committee had previously supported the application in principle but deferred the consideration of a grant for further information on the outcome of applications for finance from other sources. Discussions were taking place between the Treasurer of the Friends of Swan Pool Park and the Council in relation to better value for money that could be obtained if the furniture was purchased from Dudley MBC.

On 30<sup>th</sup> January, 2014, the Norton, Pedmore and Stourbridge East, Wollaston and Stourbridge Town Community Forum had recommended an allocation of £5,000 towards the project. The total project cost was £12,700. It was confirmed that the grant application made to this Committee did not duplicate the funding allocation from the Community Forum. An application had also been made to the Margaret Westwood Trust for £1,000, the outcome of which would not be known until July, 2014. The Friends of the Park had requested the Committee to reconsider the application to enable the improvement works to commence.

It was suggested that the grant application form should be amended in future to ensure that applicants clearly identified the amounts they had applied for from the various funding sources.

Councillor Elcock attended the meeting and addressed the Committee in support of this application.

Following a discussion, it was

#### RESOLVED

That a grant of £2,500 from the Stevens Park and Recreation Ground Foundation Trust be made to the Friends of Swan Pool Park towards the project for the provision of a youth shelter and a selection of benches to be placed at various locations within the Park.

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MEETING DATES FOR THE 2014/15 MUNICIPAL YEAR

The following provisional dates for future meetings of the Committee were noted (all 6.00pm - subject to confirmation at the annual meeting of the Council on 5<sup>th</sup> June, 2014):

- 21<sup>st</sup> July, 2014
- 27<sup>th</sup> October, 2014
- 5<sup>th</sup> February, 2015
- 20<sup>th</sup> April, 2015

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COUNCILLOR COLIN WILSON

It was noted that Councillor Colin Wilson would not be seeking re-election in the Pedmore and Stourbridge East ward at the municipal elections on 22<sup>nd</sup> May, 2014.

The Committee expressed thanks to Councillor Wilson for his past work in connection with the Ernest Stevens Trusts and wished him all the best for the future.

Members also thanked the officers for the reports submitted to this meeting.

The meeting ended at 7.50 p.m.

CHAIR



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**Ernest Stevens Trust Management Committee – 21<sup>st</sup> July, 2014**

**Report of the Director of Corporate Resources**

**Terms of Reference of the Committee**

**Purpose of Report**

1. To advise the Committee of its revised terms of reference as approved by the Council on 2<sup>nd</sup> December, 2013.

**Background**

2. The Council is the Trustee for the four Ernest Stevens Trusts. In previous years, the Ernest Stevens Trusts were combined under the delegated powers and terms of reference of the former Stourbridge Area Committee. The Area Committees were subsequently replaced by Community Forums in 2012/13.
3. The Council approved revised governance arrangements for the Ernest Stevens Trusts and a report was submitted to this Committee on 22<sup>nd</sup> April, 2013. In effect, the Council established a separate Management Committee to administer the affairs of the Ernest Stevens Trusts. This is effectively the position that existed before the former Area Committees were created. The governance arrangements are summarised below for background purposes.
4. Ernest Stevens made various donations of property, which were to be used for specified purposes. These have been identified as individual Trusts as detailed below:
  - i. Stevens Park, Quarry Bank
  - ii. Mary Stevens Park, Recreation Ground and Park, Norton
  - iii. Stevens Park and Recreation Ground Foundation, Wollescote
  - iv. Mary Stevens Maternity Home and Public Park Charity
5. Only the Stevens Park and Recreation Ground Foundation, Wollescote, has investments, which generate income for disbursement resulting from the decision to exchange the Hob Green Farm gifted in the original deed dated 29<sup>th</sup> September 1930 for Jordan Field and £88,500.
6. The original deed of gift was to the Urban District Council of Lye and Wollescote and was varied by a scheme dated 24<sup>th</sup> May 1966. This allows the net income of the Stevens Park and Recreation Ground Foundation to be applied in the following ways:
  - a) Maintenance of the Stevens Park and Recreation Ground Foundation property.
  - b) Acquiring property for the Stevens Park and Recreation Ground Foundation.

- c) Maintenance of property in gifts dated:-  
6<sup>th</sup> December 1929      Mary Stevens Park  
13<sup>th</sup> February 1931      Mary Stevens 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 (see paragraph 9).
- e) If the net income of the Trust cannot be applied in accordance with a)-d) above, it can be applied for other charitable purposes for the benefit of persons resident in the Borough of Stourbridge.
7. 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 (e) above.
8. In applying the money the Trustees shall give a preference to the area of the former Urban District of Lye and Wollescote and to meeting the needs of the people resident therein.
9. The Borough of Stourbridge relates to the boundaries in 1966, which currently covers the wards of Pedmore & Stourbridge East, Norton, Wollaston and Stourbridge Town, Lye and Stourbridge North and Cradley and Wollescote. Stevens Park, Quarry Bank is geographically located in the Quarry Bank and Dudley Wood ward.
10. As a formal Committee of the Council, this Committee is subject to the proportionality rules set out in the Local Government and Housing Act 1989. To reflect the geographical areas covered by the Trusts, the Council has agreed that the Management Committee should comprise six elected members, one each from the six wards referred to in paragraph 9 above. The appointments made by the Council for the 2014/15 municipal year are as follows:-
- Cradley and Wollescote – Councillor G Partridge  
Lye and Stourbridge North – Councillor M Hanif (Vice-Chair)  
Norton – Councillor H Rogers  
Pedmore and Stourbridge East – Councillor I Kettle  
Quarry Bank and Dudley Wood – Councillor J Cowell (Chair)  
Wollaston and Stourbridge Town – Councillor I Marrey
11. On 2<sup>nd</sup> December, 2013, the Council approved a report on the annual review of the Constitution. The report referred to the terms of reference for the Ernest Stevens Trusts Management Committee and it was approved that these would be extended to include all Trust land within the Borough. It was considered appropriate for this general power to be allocated to a 'non-executive' Committee.
12. It was also agreed that, in occasional cases, where the Ernest Stevens Trusts Management Committee is dealing with matters not relating to the Ernest Stevens Trusts, substitution will be permitted from the wider political groups to enable the appointment of ward councillors for the area concerned for consideration of that business only.

13. Attached, as Appendix 1, are the revised terms of reference as approved by the Council on 2<sup>nd</sup> December, 2013. A more detailed report was considered at the last meeting of this Committee held on 28<sup>th</sup> April, 2014 concerning the trust land within the Dudley Borough.

### **Finance**

14. This Committee is responsible for the administration of the Trusts, including the financial affairs of the Trusts.

### **Law**

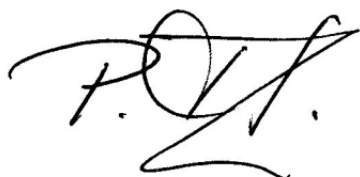
15. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
16. Section 139 of the Local Government Act, 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area.
17. The conditions under which a gift is to be administered are contained in the Deeds creating the Trusts, and any subsequent schemes made by the Charity Commission.
18. The law relating to Trusts, which are charitable, is contained in various Acts, the main ones being the Charities Acts 1992 and 2011 and the Trustee Investment Act, 1961.
19. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972. The rules on proportionality are contained in the Local Government and Housing Act 1989 and associated regulations.

### **Equality Impact**

20. The Trusts were set up to benefit members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. There are no specific implications for children and young people arising from this report.

### **Recommendation**

21. That the report be noted.



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**Philip Tart**  
**Director of Corporate Resources**

**Contact Officers** Helen Shepherd  
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**List of Background Papers**

- (i) Reports and minutes of the Council dated 2<sup>nd</sup> December, 2013
- (ii) Reports and minutes of the Ernest Stevens Trusts Management Committee dated 22<sup>nd</sup> April, 2013
- (iii) Report on Trust land within Dudley, considered at the Ernest Stevens Trusts Management Committee on 28<sup>th</sup> April, 2014

**Terms of Reference**

**Ernest Stevens Trusts Management Committee**

1. To consider and determine all matters that are the responsibility of the Trustee and which fall within the following terms of reference: -
  - (1) The administration of the Stevens Park Trust (Quarry Bank) as regulated by the Deed of Gift dated 29<sup>th</sup> January, 1921.
  - (2) The administration of Mary Stevens Park Trust (Norton) as regulated by the Deed of Gift dated 6<sup>th</sup> December, 1929.
  - (3) The administration of the Stevens Park and Recreation Ground Foundation Trust Wollescote as regulated by Deed of Gift dated 29<sup>th</sup> September, 1930 and by the Scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 24<sup>th</sup> May, 1966.
  - (4) The administration of the Mary Stevens Maternity Home and Public Park Charity as donated by the Deed of Gift dated 13<sup>th</sup> February, 1931, and regulated by the scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 3<sup>rd</sup> October, 1989.
2. To make recommendations to the Council on any matters relating to the Ernest Stevens Trusts which do not fall within the above terms of reference and which are not delegated to the Committee.
3. To consider and determine all matters relating to Trust land in the Borough.