

## **Minutes of the Ernest Stevens Trusts Management Committee**

Monday 20<sup>th</sup> April, 2015 at 6.00 p.m.  
In Committee Room 2, the Council House, Dudley

### **Present**

Councillor J Cowell (Chair)  
Councillor M Hanif (Vice-Chair)  
Councillors T Crumpton, I Kettle, I Marrey and H Rogers

### **Officers**

M Farooq (Assistant Director (Law and Governance) – Lead Officer to the Committee); R Cooper (Group Accountant), S Cooper (Head of Corporate Landlord Services), J Croft (Group Accountant), S Griffiths (Democratic Services Manager), L Stuffins (Green Spaces Team Leader), T Webb (Property Surveyor), M Wilcox (Interim Principal Lawyer)

S Shiva (representing the specialist charity law solicitors advising the Council)

### 17 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillor G Partridge.

---

### 18 **Appointment of Substitute Member**

Councillor T Crumpton had been appointed as a substitute member for Councillor G Partridge for this meeting of the Committee.

---

### 19 **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.

Councillors J Cowell, M Hanif and I Kettle – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

Councillor T Crumpton – Non-pecuniary interest in view of his involvement with the Friends of Wollescote Park. Councillor T Crumpton also reminded the meeting of his role as the Cabinet Member for Children's Services and Lifelong Learning and his involvement with the car parking issues at Mary Stevens Park.

---

---

20 **Minutes**

**Resolved**

That the minutes of the meeting held on 27<sup>th</sup> October, 2014 be approved as a correct record and signed.

---

21 **Car Parking Situation at Mary Stevens Park – Progress Report**

In response to a query raised by a Member on the minutes of a previous meeting, the Lead Officer confirmed that there had been no resolution made by the Committee to write to the Charity Commission concerning car parking at Mary Stevens Park at the meeting on 9<sup>th</sup> September, 2014.

The Committee considered a report of the Strategic Director (Resources and Transformation) on the current situation concerning car parking at Mary Stevens Park, Stourbridge.

On 9<sup>th</sup> September, 2014, the Committee had 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.

Subsequently, the Council had received an e-mail on 18<sup>th</sup> November, 2014 from the Charity Commission stating that it had received concerns from Margot James MP about the accessibility by the beneficiaries to use Mary Stevens Park and car parking facilities. A copy of the e-mail was attached to the report.

The Council had instructed specialist charity law solicitors to advise on this matter. The solicitors had replied to the Charity Commission on 10<sup>th</sup> February, 2015 and the response was also submitted to the meeting.

A reply from the Charity Commission had been received by the solicitors acting for the Council on 3<sup>rd</sup> March, 2015. A copy of the response was circulated and it was noted that the solicitors were in the process of replying to the Charity Commission in respect of the points raised and the ongoing position.

The Head of Corporate Landlord Services reported verbally on the implementation of the Council's Transforming our Workplace project, which involved opportunities to increase agile/flexible working, other options considered and ongoing work to address the car parking difficulties at Mary Stevens Park, including the potential relocation of staff.

A Member expressed the view that the primary issue was to develop a strategy to mitigate the effects of the decision to relocate staff and to set a timescale for addressing the car parking problems, particularly since the problems were likely to increase over the summer months. The Lead Officer stated that work was in progress to address the car parking problems, however, the Council also had an obligation to respond fully to the legal and technical points that had been raised by the Charity Commission.

A Member repeated previous concerns that the Council had not carried out a full impact assessment on the decision to relocate a large number of additional staff to Mary Stevens Park. It was considered that the needs of the beneficiaries should be the paramount consideration and a considerable volume of concerns had been raised by local residents. A comment was made that the response sent to the Charity Commission on 10<sup>th</sup> February, 2015 did not accurately reflect the number of visitors to the park and the income of the Charity. The Lead Officer commented that the number of visitors had been identified as approximately 900,000 per annum after advice from officers and this figure was not excessive. The Member commented that the parking problems had been caused by the Council locating too many staff at Mary Stevens Park and the only feasible solution was to reduce the number of staff working in the buildings. It was also asserted that many staff utilised car parking spaces for the whole working day, notwithstanding the implementation of agile and mobile working practices.

Comments were also made by a Member that the relocation of staff was due to budgetary reasons and not in accordance with the best interests of the Trust in so far as the action of the Council had disadvantaged the general public and users of the Park.

A Member commented that, as the corporate Trustee, the Council had a duty to administer the Charity within the terms of the Deed of Gift. There were clear restrictions on the permitted uses of the buildings within Mary Stevens Park, including their use for public offices. Whilst it was not possible to carry out car parking enforcement within the Park, the Committee acknowledged the work in progress to mitigate the problems and to explore the relocation of staff as part of the ongoing Council restructuring project. Members expressed the view that this should be undertaken as a matter of urgency, however, the relocation of staff would need to be carried out in a fair and appropriate manner. The Committee asked for an update at the next meeting, particularly on the numbers of staff affected and the timescales involved.

Reference was made to the need to clarify the terms of reference and define the role of Councillors who served on the Ernest Stevens Trusts Management Committee, particularly in view of concerns expressed about the independence of Members. It was noted that the solicitors acting on the Council's behalf would consider these issues further.

In view of his role as Cabinet Member for Children's Services and Lifelong Learning, Councillor T Crumpton had been advised not to participate in the discussion or voting on this particular item. This was in view of his involvement with the staffing issues concerning employees in the People Services Directorate. Councillor T Crumpton left the meeting during the consideration of this and the remaining agenda items.

Comments were made that Members of this Committee should have been given the opportunity to comment on the responses sent to the Charity Commission concerning this issue. The Lead Officer noted the comments made, however, did not accept that any inaccurate or misleading information had been provided to the Commission.

## **Resolved**

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

---

## 22 **Ernest Stevens Trusts – Restrictions on Playing Ball Games on Sundays**

Further to Minute No. 15 of the meeting held on 27<sup>th</sup> October, 2014, a report of the Strategic Director (Resources and Transformation) was submitted concerning the restrictions placed on the playing of ball games on Sundays. An e-mail had been sent to the Charity Commission on 2<sup>nd</sup> December, 2014 requesting the views of the Commission on potential courses of action and any legal implications concerning the possible amendment of the restrictions placed on the playing of ball games on Sundays and Good Fridays. Copies had been circulated to Members of the Committee.

On 20<sup>th</sup> March, 2015, the Charity Commission had responded by suggesting that the Council should take its own specialist legal advice in respect of the land and the possibility of being able to remove the restrictive covenant. A quotation for the provision of such advice, in the sum of £1,000 plus VAT, had now been received. Members were requested to consider whether to proceed with obtaining the specialist advice on this basis, the cost of which would be met by the Ernest Stevens Trust.

Members queried whether the advice would apply strictly to the playing of ball games or if this could be applied to other aspects of the Trust Deeds. A Member also expressed the view that the Council should continue to honour the wishes of Ernest Stevens, as set out in the original documents, and that any attempt to amend the Deeds might create a precedent for other changes in the future.

It was noted that previous discussions had referred to the possibility of lifting the restrictions in Wollescote Park only and that a consultation exercise be undertaken with local residents and interested parties. It was confirmed that no action would be taken at this stage pending the receipt of the specialist legal advice.

## **Resolved**

That approval be given to the authorisation of the specialist legal work to be undertaken to enable the Committee to formally consider the request to amend the restriction in the Deed of Gift, at a cost of £1,000 plus VAT, to be funded by the Ernest Stevens Trust.

---

---

23 **Change in Order of Business**

Pursuant to Council Procedure Rule 13(c) it was:-

**Resolved**

That the remaining items of business be considered in the following order:-

Agenda Item Nos. 9, 7, 8 and 10.

---

24 **Ernest Stevens Trusts – Mary Stevens Hospice Summer Fete – 5<sup>th</sup> September, 2015**

The Committee considered a report of the Strategic Director (Resources and Transformation) on a request from Mary Stevens Hospice to have a real ale stand, where one local brewer would provide their ales, as well as a Pimms and prosecco stall at the Summer Fete on 5<sup>th</sup> September, 2015.

The Committee were sympathetic to the overall objectives of Mary Stevens Hospice, however, Members took the view that the request could not be granted on the Trust's land or property in view of specific provisions in the Deed of Gift concerning the sale and consumption of intoxicating beverages. Reference was made to the situation referred to in Minute No. 22 above and it was queried whether the specialist legal advice could be extended to cover the circumstances of this request.

**Resolved**

That consideration of the request from Mary Stevens Hospice be deferred pending the receipt of specialist legal advice and that a report be submitted to the next meeting to enable the Committee to determine the request.

---

25 **Wollescote Hall, Wollescote Road, Stevens Park, Stourbridge – Request for the Grant of a Licence**

The Committee considered a report of the Strategic Director (Resources and Transformation) on a request for a licence to be granted on the grounds of Wollescote Park, Wollescote Road, Stourbridge in order for the erection of two 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 four-shelf metal storage cupboard in Wollescote Hall. In presenting this item, the Property Surveyor stated that paragraph 3 of the report should be deleted.

In response to questions from the Committee, it was noted that the temporary sheds were being provided (without services) due to the lack of existing capacity pending consideration of a more permanent solution. It was also noted that permission could not be granted to allow matches to be played on Sundays due to the terms of the Deed of Gift.

The Crystal Bowls Club had sought pre-planning advice and a full planning application was being submitted. This would be considered by the Council as the local planning authority and any decision made by this Committee would not prejudice the planning process or create a conflict of interests.

A Member raised concerns about the proposed location of the temporary sheds, both in terms of their visual appearance and the possibility of vandalism. A plan showing the location of the sheds was made available at the meeting. Other Members welcomed the upgrade of the existing facilities and noted that the most appropriate location of the sheds had already been the subject of lengthy discussion.

### **Resolved**

That, subject to the provision that no matches involving ball games are to be played on Sundays, approval be given to the grant of a licence to the Crystal Bowls Club to occupy rooms in Wollescote Hall on match days, to erect two temporary sheds for additional changing facilities and permission to site a four-shelf metal storage cupboard in the Hall.

---

26

### **Stevens Park and Recreation Ground Foundation Trust – Crystal Bowls Club Grant Application**

The Committee considered a report of the Chief Officer (Finance and Legal Services) on an application received from Crystal Bowls Club for grant funding from Stevens Park and Recreation Ground Foundation Trust.

As referred to in Minute No. 25 above, Crystal Bowls Club wished to erect two sheds for additional changing facilities, subject to planning permission being obtained. The total cost of the project was estimated to be £4,300, including the cost of the structures plus foundations, planning fees, timber, paint, locks, other peripherals and a contingency sum.

### **Resolved**

That the application for a grant on behalf of the Crystal Bowls Club for the erection of two sheds to be used as additional changing facilities, in the sum of up to £4,300, be approved.

---

At the conclusion of the meeting, a Member referred to an item raised by a resident at the Amblecote, Cradley and Wollescote and Lye and Stourbridge North Community Forum on 25<sup>th</sup> March, 2015 concerning the lack of public parking at Wollescote Park.

The Green Spaces Team Leader indicated that she had undertaken discussions with the resident concerned. The Chair was of the opinion that the existing arrangements for Officers to respond direct concerning issues of this nature should continue.

As this was the last meeting in the municipal year, the Chair thanked all Members and Officers for their participation in the work of the Committee during 2014/15.

---

The meeting ended at 8.15pm

CHAIR