

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

Tuesday 17<sup>th</sup> April, 2018 at 6.00 p.m.  
in Committee Room 3, The Council House, Dudley

### Present

Councillor I Kettle (Chair)  
Councillor H Rogers (Vice-Chair)  
Councillors J Cowell, A Hopwood, G Partridge and V Wale

### Co-opted Members

M Sparks (Friends of Stevens Park, Quarry Bank)

### Officers

L Stuffins (Greenspace Team Leader) and T Webb (Principal Property Surveyor) (Place Directorate); C Ludwig (Finance Manager), M Wilcox (Principal Lawyer) and H Shepherd (Democratic Services Officer) (Chief Executives Directorate).

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### 32 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of D Lewis and M Farooq.

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### 33 **Declarations of Interest**

Councillor H Rogers declared a non-pecuniary interest as Chair of the Friends Group for Mary Stevens Park and Swinford Common. Also in relation to her involvement with the Management Team for Mary Stevens Park and her attendance at stakeholder meetings.

Councillor V Wale declared a non-pecuniary interest in respect to agenda item no. 10 – Mary Stevens Hospice – Application to enter into a Legal Charge in accordance with the lease – Consent of Trustees, as her sister worked at Mary Stevens Hospice.

Councillor G Partridge declared a non-pecuniary interest in respect to agenda item no. 10 – Mary Stevens Hospice – Application to enter into a Legal Charge in accordance with the lease – Consent of Trustees, as she was a volunteer at Mary Stevens hospice and had a relative that owned land that was adjoining to the trust land.

Mrs M Sparks declared a non-pecuniary interest as secretary to the Friends of Quarry Bank Park.

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34 **Minutes**

**Resolved**

That, the minutes of the meeting held on 13<sup>th</sup> February, 2018, be approved as a correct record and signed.

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35 **Public Forum**

No issues were raised under this agenda item.

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36 **Ernest Stevens Trust – Coseley Youth Centre (Clayton Playing Fields), Old Meeting Road, Coseley – Request to Declare Surplus to Requirements.**

A report of the Strategic Director Place was considered on the request to declare Coseley Youth Centre surplus to requirements by way of a lease on terms and conditions to be negotiated and agreed.

The Principal Property Surveyor presented the report in detail, outlining the background to Clayton Playing Fields and the erection of the Coseley Youth Centre on the site. In referring to the Deed of Gift for Clayton Playing Fields, it was reported that numerous attempts had been made to locate representatives of The Cannon Iron Foundries Ltd prior to the construction of the youth centre, but to no avail, therefore restrictive title indemnity insurance had been put in place to protect the Council.

It was reported that due to budgetary reductions within the Youth Service, Children's Services no longer used the Coseley Youth Centre for youth club sessions and was considered surplus to requirements. The Centre did however continue to be hired out to local groups, in particular to Sedgley Kids Club, who occupied the centre for three hours a day, five days a week. A dance group also used the premises three evenings a week.

Members were advised that future leaseholders would be requested to continue to make the centre available to local community organisations and events, in particular supporting groups that provided activities for children and young people.

It was noted that the site had been subjected to anti-social behaviour since the Youth Service had vacated the premises and that Sedgley Kids Club had expressed an interest in leasing the building, the surrounding area and two car parking spaces over a five-year period, but was not interested in the multi-use games area, which would continue to be made available for community use.

Arising from the presentation of the report, members expressed their disappointment that the youth centre was no longer used by the Youth Service, but recognised the need for the premises to be in use to deter any further anti-social behaviour from occurring on the site.

In response to a question raised by a Member, the Principal Property Surveyor stated that a definitive business plan had yet to be developed by Sedgley's Kids Club, however it was believed it was their intention to provide a nursery provision at the location during weekdays, with the dance group and community events being undertaken on evenings and weekends.

It was suggested by the Principal Lawyer that the lease could include a clause to state that the lease would not have the protection of the Landlord and Tenant Act 1954. This would mean that the tenant would not have the right to remain at the property at the end of the term/lease, however, the parties could negotiate terms and conditions to remain if agreed.

Members commended Officers for the work undertaken and in particular for keeping Ward Councillors updated at every stage, and requested that this continued. The Chair requested that the three Ward Councillors be informed of the Committee's decision following the meeting.

In referring to paragraph three of the report submitted, it was commented that the site did not form part of the Ernest Stevens Trust, but was within the remit of the Ernest Stevens Trusts Management Committee.

In response to a concern raised in respect to the initial development of the Youth Centre, which was considered to be contrary to the deed of gift for Clayton Playing Fields, the Principal Lawyer advised that as the building was for the benefit of the children of Coseley, and therefore looking at the wider covenant, was not contrary to the provisions in the deed of gift.

### **Resolved**

- (1) That the request to declare Coseley Youth Centre surplus to requirements by way of a lease on terms and conditions to be negotiated and agreed by the Strategic Director Place, be approved.
- (2) That a report providing an update on the leaseholder and the terms and conditions agreed, be submitted to a future meeting of the Ernest Stevens Trusts Management Committee.
- (3) That the Coseley East Ward Councillors be informed of the decision of the Ernest Stevens Trusts Management Committee.

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## **37 Stevens Park, Quarry Bank Restoration Project**

A report of the Strategic Director Place was submitted to provide an update on the development of the lottery funded restoration project.

The Greenspace Team Leader advised that a voluntary sector partner had now been identified, namely The Emily Jordan Foundation, who worked with people with learning difficulties to lead fulfilled lives. It was noted that the charity was looking for a short-term lease only, preferably over a five-year period to protect future development.

Members were advised that the Friends Group had undertaken a positive visit to The Emily Jordan Foundation provision in Kidderminster and welcomed the activities and services that would be on offer from the project.

In response to a question raised with regards to the timeframe in which the project would become operational, the Greenspace Team Leader stated it would be a lengthy process with a bid for Heritage Lottery Funding submitted in August 2018, but that a decision would not be known until January, 2019. It was anticipated that the project would be fully functional by 2020.

Arising from a query raised in respect to the lack of changing room facilities proposed at the site, the Greenspace Team Leader commented that the recycling aspect of the project would take up a lot of the space and although there was sport pitches at the park, this was predominately used by children who did not require the use of change room facilities. It was noted that an adult team did currently use the football pitch; however, these could be accommodated at other sites locally, if necessary.

Members expressed concern in the lack of security at the property and the Greenspace Team Leader assured Members that shutters and bars were proposed to be installed on all lower ground windows and CCTV would be installed.

Concerns were also raised in respect to the suggested retail space, in that it would be contrary to the deed of gift to trade at the site. It was also feared that to change the deed of gift would set a precedent for all deeds of gifts and these documents should be protected and preserved. The Greenspace Team Leader advised that the retail space was to enable the recycled bikes to be sold and all income/profit made would then be put back into the project and feared if the retail space was not approved, this could jeopardise the partnership.

Following a lengthy debate, it was suggested rather than selling the restored bikes, that a donation be requested and that the terminology be changed from retail space to recycling centre to avoid hindering the project from moving forward.

### **Resolved**

That the principal of leasing Tintern House to the Emily Jordan Foundation for a peppercorn rent for five years with break clauses, subject to the comments referred to above, be approved.

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### **38 Stevens Park, Wollescote – Restoration of Park Walls Update**

The Greenspace Team Leader provided an update in respect to the collapsed wall at Stevens Park, Wollescote.

It was reported that the site investigation had now been completed and as a result, the Structural Engineer had prepared two design options to replace the collapsed retaining wall and associated garden wall. Reclaimed bricks to match the original wall would be used in the reconstruction, details of which to be agreed with the Conservation Officer and Historic England and a further report with the quotations for the two designs would be submitted to a future meeting of the Ernest Stevens Trusts Management Committee.

It was noted that an inspection of the other walls around the site had also been requested to identify areas in need of repair to ensure the condition of the walls were preserved and that a review of security at the site would also be undertaken to address anti-social behaviour issues that were currently being experienced at the site since the walls had collapsed.

A Member requested an update on the recent arson attack that had taken place at the park. The Greenspace Team Leader advised that West Midlands Police were investigating the incident and that further security options were being discussed including the possibility of gating the car park at the site, however how this would operate during weekends was still under consideration. It was also acknowledged that this would not prevent people on foot entering into the park on an evening.

Arising from a suggestion made by a Member, the Greenspace Team Leader agreed to contact Dudley Youth Service to see if they could provide some support in dealing with the youths at the Park to address the anti-social behaviour issues.

**Resolved**

- (1) That the verbal update provided at the meeting in relation to the collapsed wall at Stevens Park, Wollescote, be noted.
- (2) At the request of Members, a further update report be submitted to the next meeting of the Committee.

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40 **Severn Trent Works on Swinford Common**

It was noted that this item had been deferred to a future meeting of the Ernest Stevens Trusts Management Committee.

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41 **Mary Stevens Hospice – Application to enter into a Legal Charge in accordance with the lease – Consent of Trustees**

(At this juncture, Councillor J Cowell declared a non-pecuniary interest in that she had previously served on the Board of Trustees at Mary Stevens Hospice.)

A verbal report was presented by the Principal Property Surveyor in respect of a request from Mary Stevens Hospice to enter into a legal charge in accordance with the lease.

It was reported that the Ernest Stevens Trusts Management Committee granted consent in July 2016 for the Hospice to undertake works and for the lease to be extended to 75 years in order for them to secure funding for the proposed works, subject to planning consent, independent legal advice and the necessary approval of the Charity Commission.

It was noted that the conditions of the lease required the Hospice to seek consent from the Landlord/Freeholder prior to any legal charge being applied to the land. The total cost for the improvement works equated to £3 million, £1 million of which would be funded from reserves, £1 million from fund raising and £1 million would be from a loan. The loan was initially intended to be from Charities Aid Foundation, however an alternative competitive offer had been made from a High Street bank. Either lender would require a legal charge over the site and the bank would have the right to take possession should the Hospice breach the conditions of the legal charge. The risk of the Hospice defaulting on the repayment of the loan was considered low by the Hospice and lenders.

It was emphasised that should the rent or any other payment be more than fourteen days overdue, conditions within the lease enabled the property owner to enter the property and forfeit the lease with immediate effect.

Arising from the verbal presentation, Members expressed grave concern in that the Committee had not received a written report on the item nor had opportunity to fully consider the implications of the legal charge, with the expectation that Members would make a decision without adequate information being provided.

Members also expressed concern in that the requirement of a legal charge had not been referred to during the initial application that was considered and agreed by the Committee in July 2016.

The Finance Manager suggested the possibility of the Council loaning the required money to the Hospice to reduce the risk of repossession, and agreed to pursue the issue with relevant Council Officers and the Chief Executive of Mary Stevens Hospice.

Although it was acknowledged that the charity provided a good and respected service, it was unanimously agreed by Members that to ensure the issue was given full consideration, a written report and all relevant information would be required, before a decision could be made and that if the item could not be delayed until the next meeting of the Ernest Stevens Trusts Management Committee, a special meeting of the Committee be arranged. It was requested that a representative from Mary Stevens Hospice also be invited to attend the meeting.



## Resolved

- (1) That the verbal information presented in respect of a request from Mary Stevens Hospice to enter into a legal charge in accordance with the lease, be noted.
- (2) That a written report, including all the relevant information required to enable Members to make a decision, be submitted to a future meeting of the Ernest Stevens Trusts Management Committee, a date to be agreed in conjunction with the project timeframe and a representative from Mary Stevens Hospice be invited to attend.
- (3) The Finance Manager to pursue to possibility of the Council loaning the required money to the Hospice with relevant Council Officers and the Chief Executive of Mary Stevens Hospice.

The meeting ended at 7.20 pm

CHAIR