

Meeting of the Ernest Stevens Trust Management Committee

– **24th October 2022**

Report of the Director of Regeneration and Enterprise

Mary Stevens Centre, Mary Stevens Hospice

Purpose of report

1. To inform the Management Trust Committee of the draft proposal received from Mary Stevens Hospice, in respect of the centre.

To advise officers of the Council as to the way the Trust wishes to proceed with this application.

To authorise officers of the Council to proceed accordingly.

Recommendations

2. It is recommended:-
 - The Ernest Stevens Trust Management Committee note the content of the report. Engage with the discussion at the Committee meeting. The Committee should also consider the guidance received from the Charity Commission to consider the best interests of the beneficiaries of the Trust and options in respect of this draft proposal.
 - The Ernest Stevens Trust Management Committee authorise the Director of Regeneration and Enterprise to open discussions as directed by the committee with the Mary Stevens Hospice and their agents and report back to the committee their outcome.

Background

3. The building known as Mary Stevens Centre, formerly used as a maternity home, was gifted to the council, together with the park, to the Borough of Stourbridge on 13th February 1931 for the purposes of maternity home, convalescent home or a hospital, child's welfare centre or any other purpose which have for its object the benefit advancement and welfare of the people of Stourbridge and district so long as the performance of such benefit will not be a breach of any of the conditions contained in the Deed of Gift.
4. The Charity Commission granted a Scheme (N52) sealed on 7th May 1996 to enable leases to be granted to local registered charities for a term of years not exceeding 28 years. Preference to be given to Charities that shall benefit the inhabitants of the area.
5. The Charities Act 2011 states that:-
Section 117 no land is to be conveyed, transferred or leases or otherwise disposed of without an order of the Court or Commission and:-
Section 119 that the charity trustees must before entering into any agreement for agreement to dispose must obtain a written report on the proposed disposition from a qualified surveyor acting exclusively for the charity, advertise the proposed disposition, decide that they are satisfied having considered the surveyor's report that the terms on which the disposition proposed to be made, are the best that can be obtained for the Charity.
Section 120 where the granting of a lease of less than 7 years, (1) the Trustees should obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the Trustees to have the ability and practical experience to provide to them with competent advice on the proposed disposition. (2) decide that they are satisfied, having considered the person's advice that they are the best that can be reasonably obtained for the Charity. Legal Services on behalf of the Trust would need to apply to the Charity Commission for a scheme to permit the grant of the lease.
6. There are changes pending in respect of the legislation that may reduce the requirements in respect of the qualified surveyor and advertisement process.
7. The Trust has evidence of the fact that it has undertaken the legislation process and has received Schemes from the Charity Commission in respect of dispositions in respect of the various Deeds of Gift but the Trustees should consider the guidance received from the Charity Commission that are attached to this report before making a decision.

8. Mary Stevens Hospice (MSH) occupy a convalescent home to the front of the Mary Stevens Centre, on Hagley Road and share the access route into the park grounds.
9. Mary Stevens Hospice have teamed with Create, if to put together a draft proposal for the committee to consider in respect of the centre. This proposal is appended. In summary MSH have taken a high-level view of the increasing demand for convalescent care in the area and how this might be catered for. They are expressing interest in taking over the Mary Stevens Centre in its entirety and refurbishing the building at their cost to ultimately provide between 38 and 40 beds. While they have undertaken some outline costings they are seeking the committee's support to their proposal before progressing further with their investigations.
10. The Committee has since 2017 given consent to the granting of leases to Beacon Centre, Mary Stevens Hospice, Crafting for Communities and We Love Carers. In each case the lease is for a short-term period, excluded from any security of tenure and the rent has been at a peppercorn with outcomes to be delivered to the value of the market rent. An occupation charge is also to be made (representing a fair proportion of the utilities cost, general repairs, facilities costs and building insurance). The council funds any costs related to the building including any long-term maintenance or investment. No discussion has been had with Mary Stevens Hospice how their plans might be compatible with the current occupiers, or what alternatives might be available for the occupiers.
11. The building is an ageing facility, originally designed and set up as a maternity home and more recently a residential care home. It is not designed to be multifunctional and multi occupied, which its current use is now causing friction between the occupiers. It is using gas fired boilers which will require considerable investment to upgrade to move to more ecological means of heating. and broadly one quarter of the building is unable to be used without major investment.

Finance

12. The current tenancy arrangements mean no income is received by the Ernest Stevens Trust Committee although there is a contribution towards costs.

Law

13. The Deed of Gift dated 13th February 1931 made between Ernest Stevens Esq and The Borough of Stourbridge contains a number of conditions that are referred to above in this report, of which should be considered. Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 gives power to authorise dealings with charity property.

Risk Management

14. There are no material risks to the Council presented by this project. The risks associated with the development of the centre to provide additional space for convalescent care would sit with Mary Stevens Hospice.

Equality Impact

15. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.
16. There is no currently identified impact of this report upon children and young people.

Human Resources/Organisational Development

17. There are no HR/OD implications arising from this report.

Commercial/Procurement

18. Not applicable to this report.

Environment/Climate Change

19. There is no currently identified impact of this report upon the environment.

Council Priorities and Projects

20. This proposal has a direct link into the Dudley Council Plan 2022-2025, specifically: **Dudley the Borough of Ambition and Enterprise.**



Director of Regeneration and Enterprise

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List of Background Documents

Appendix 1 Joint Proposal Mary Stevens Centre and Create iF.

Appendix 2 Government guidance on the role of trustees.