

ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

Monday, 28th 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.

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.

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.

21 MINUTES

RESOLVED

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

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 2nd 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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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.

Further to Minute No. 15 of the meeting of the Committee held on 3rd 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 30th 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 5th June, 2014):

- 21st July, 2014
- 27th October, 2014
- 5th February, 2015
- 20th 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 22nd 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