

Ernest Stevens Trusts Management Committee – 20th April 2015

Report of the Strategic Director (Resources and Transformation)

Ernest Stevens Trusts - Restrictions on Playing Ball Games on Sundays

Purpose of Report

1. It was resolved at the Committee meeting on Monday 27th October 2014 that the Director of Corporate Resources write to the Charity Commission seeking a preliminary view on the potential courses of action and legal implications concerning the restrictions on playing ball games on Sundays. Further, that a copy of the correspondence sent to the Charity Commission be circulated to all Members of this Committee.

Background

2. The Director of Corporate Resources wrote to the Charity Commission on 2nd December 2014 requesting the views of the Commission on potential courses of action and any legal implications concerning the possible amendment to the restriction of ball games on a Sunday and Good Friday. Copies of the email were circulated to Members of the above Committee. Please see Appendix 1.
3. On 20th March 2015 the Charity Commission replied to the email suggesting that the Council take specialised legal advice in respect of the land and the possibility of being able to remove the restrictive covenant. Please see Appendix 2.
4. The Council recommend taking further specialised legal advice and have sought a quotation for the likely costs to be incurred. However, at the time of writing this report no further information is available.

Finance

5. A quotation for the potential costs of the specialised legal advice have been requested.

Law

6. The Council is the registered Trustee of the charity and in accordance with the Council's Constitution has delegated the administration of the charity to this Management Committee.

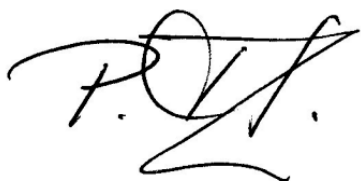
7. Section 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions and where the gifts are for the purposes of benefitting the inhabitants of their area.
8. The law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Act 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Equality Impact

9. This report has no direct implications relating to the Council's equality and diversity policies.

Recommendation

10. That the Committee consider approving the authorisation of the specialised legal work to be undertaken to enable the Committee to formally consider the request to amend the restriction in the Deed of Gift, as raised at the Committee meeting on Monday 27th October 2014.



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Philip Tart
Strategic Director (Resources and Transformation)

Contact Officer: Mandy Wilcox (Principal Lawyer)
Telephone: 01384 5310
Email: mandy.wilcox@dudley.gov.uk

List of Background Papers

Minutes of the Committee dated 27th October, 2014
Appendices attached.