

**From:** Jim Gerrard [<mailto:jim.gerrard@charitycommission.gsi.gov.uk>]  
**Sent:** 20 March 2015 15:04  
**To:** Mandy Wilcox  
**Subject:** RE: CRM:0240476

Dear Ms Wilcox,

**Our Ref: JG/4038851/C-407653-FC**

**Ernest Stevens Trust - Deed of Gift dated 29th September 1930**

Thank you for your email and attachments dated 26 January 2015 addressed to my colleague Debbie Fleming. Please accept our sincerest apologies for the delay in replying to you, this was caused by the current exceptionally high volumes of correspondence at this office.

I thought it would be helpful to advise you that having looked at the Deed dated 29 September 1930, Clause 22 in the Deed contains a restrictive covenant. I would therefore advise you that the trustee would need to take specialist legal advice in respect of land and the possibility of being able to remove this restrictive covenant.

If once you have taken this advice, you are unable to remove the said restrictive covenant, you should at that point come back to us in order for us to consider if we are able to help further in this regard.

I hope the above is of assistance to you. I would again apologise for any inconvenience our delay in replying may have caused.

Yours sincerely,

Jim Gerrard

Charity Commission – First Contact Team

----- Original Message -----

**From:** Mandy Wilcox  
**Received:** 26/01/2015 14:21  
**To:** FC Email Team (Queue)  
**Subject:**

Dear Ms. Fleming,

Thank you for your email.

I attach a copy of the Deed of Gift and alteration already agreed.

I look forward to hearing from you in due course.

Kind regards,

Mandy Wilcox  
Interim Principal Lawyer,  
Corporate Litigation Team,  
Law & Governance

Directorate of Corporate Resources  
Dudley MBC  
Tel No. 01384 815310  
Email [mandy.wilcox@dudley.gov.uk](mailto:mandy.wilcox@dudley.gov.uk)

**From:** FC Email Team (Queue) [<mailto:fcemailteam@charitycommission.gsi.gov.uk>]  
**Sent:** 22 January 2015 12:28  
**To:** Mandy Wilcox  
**Subject:** RE: Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L  
CRM:0207415

Dear Ms Wilcox

Thank you for your email. Please accept our apologies for the delay in replying.

According to our records, neither Ernest Stevens Trust nor The Friends of the Wollescote Park appear to be registered. As this is the case, we do not appear to hold a copy of the Deed of Gift dated 29 September 1930. We will need to see this document before we can comment further on the proposed amendment. We would therefore be grateful if you could arrange for a copy to be emailed to us.

We look forward to hearing from you.

Yours sincerely

Debbie Fleming

Charity Commission - First Contact

----- Original Message -----

**From:** Mandy Wilcox  
**Received:** 02/12/2014 11:55  
**To:** FC Email Team (Queue)  
**Cc:** WOLLESCOTE COMMUNITY ASSOCIATION : 506451  
**Subject:** Ernest Stevens Trust - Deed of Gift dated 29th September 1930 - charity number 6017L

Dear Sirs,

By the above Deed of Gift Ernest Stevens gave the property to the Council subject to the conditions set out in the second schedule. The Friends of the Wollescote Park wish to have the document amended to allow the public to play ball games on a Sunday and Good Friday. The condition that is of concern to the Trustees is "The Council shall be at liberty from time to time to make such reasonable charge or charges as it may determine for the use by adults of a portion or portions of the Parks and Recreation Grounds for Golf, Cricket, Football, Hockey, Tennis and bowls, Croquet, Boating, Swimming and/or other games and recreations approved by the Council but no games or sports shall be played or indulged in on a Sunday or Good Friday"

The Council proposes to carry out a wider consultation with the local residents and interested parties with regard to the request to amend the Deed of Gift to allow ball games on a Sunday and Good Friday and the result of the consultation will be presented to the Trustees. I now write to the Charity Commission to obtain its view on the potential courses of action and any legal implications

concerning the possible amendment to the restriction of ball games on a Sunday and Good Friday. The Trustees have made no decision on this matter and wish to receive the views of the Charity Commission.

I look forward to hearing from you in respect of this matter.

Yours faithfully,

Mandy Wilcox  
Interim Principal Lawyer,  
Corporate Litigation Team,  
Law & Governance  
Directorate of Corporate Resources  
Dudley MBC  
Tel No. 01384 815310  
Email [mandy.wilcox@dudley.gov.uk](mailto:mandy.wilcox@dudley.gov.uk)