

**Ernest Stevens Trusts Management Committee**

**Report of the Director of Corporate Resources**

**Ernest Stevens Trust – Mary Stevens Park, Worcester Street, Stourbridge – Cafe to lease**

**Purpose of Report**

1. To consider the request to enter into an agreement for lease with a prospective tenant and following a refurbishment of the former print room to create a cafe to grant a lease.

**Background**

2. Mary Stevens Park is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
3. The Council has recently secured a Heritage Lottery Fund grant of £2.65m to undertake improvement works at Mary Stevens Park including the restoration of the main gates, entrances and bandstand, desilting and restoration of Heath Pool, improving the setting of the War Memorial and wider landscape improvements. However, one of the existing buildings on site, within the tea gardens, is to be refurbished by the Council to provide a new cafe with approximately 30 indoor covers and an outdoor seating area, as shown on the attached plan.
4. It is proposed that the Council be granted consent to enter into an agreement for lease with a prospective tenant so that they can have an input on the fit out of the Cafe.
5. The prospective tenants will be granted a 5 year lease upon completion of the works in summer 2015 at a market rent to be negotiated and agreed and excluded from the Landlord and Tenant Act 1954. They will be responsible for all repairs and decoration to the building and for the reimbursement of the cost of building insurance. The lease will prohibit the sale/consumption of alcohol.
6. The prospective tenants will deliver a high quality catering service from the premises 7 days a week, 8am until 6pm in the summer and 10 until 4 in the winter or such other hours as may be agreed between the Council and the tenant.
7. The Charities Act 2011, Section 120 has been considered and confirms that the Council can grant a lease for refreshment use and are not obliged to obtain consent of the Court or Charity Commission to the proposed lease.

8. The Friends of Mary Stevens Park are fully aware of the proposed refurbishment works. Planning permission has also been granted for the change of use of the existing print room to a cafe.

### **Finance**

9. There are no financial implications to the Trustees

### **Law**

10. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
11. 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 benefiting the inhabitants of their area.
12. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

### **Equality Impact**

13. The proposal takes into account the Council's equal opportunities policies.

### **Recommendation**

14. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to grant a lease with a prospective tenant for refreshment use once the conversion works have been carried out to the former print unit.



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**Philip Tart**  
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### **List of Background Papers:**

- Drawings of the proposed works.