

**Minutes of the Ernest Stevens Trusts Management Committee  
Wednesday 31<sup>st</sup> January, 2024 at 6.00pm  
in Committee Room 3, Council House, Dudley**

**Present:**

Councillor I Kettle (Chair)  
Councillor T Crumpton (Vice-Chair)  
Councillors D Borley and J Cowell

**Officers:**

M Bieganski (Strategy and Governance Section Manager), D Fildes (Parks Development Manager), D Mcnaney (Senior Principal Accountant), R Tilley (Funding and Projects Manager), M Wilcox (Principal Lawyer) and L Jury (Democratic Services Officer).

**Also in attendance:**

Councillor N Neale – Cradley and Wollescote Ward Member  
One member of the public.

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**63 Apologies for Absence**

Apologies for absence from the meeting were received from Councillor S Clark, J Jones and Mrs H Rogers.

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**64 Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the Committee.

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**65 Declarations of Interest**

Councillor T Crumpton declared a non-pecuniary interest in relation to agenda item no. 10 due to his recent appointment as Chair of the Friends of Homer Hill Group.

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Councillor Crumpton referred to minute number 55 – Declarations of Interest and confirmed that he had been appointed as Chair of the Friends of Homer Hill not Wollescote Park as stated.

**Resolved**

That subject to the above amendment, the minutes of the meeting held on 23<sup>rd</sup> October, 2023 be confirmed as a correct record and signed.

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67 **Public Forum**

A resident of Lime Gardens was in attendance at the meeting and requested to address the Committee with regard to a Traffic Regulation Order (TRO) on Benjamin Drive and parking on Homer Hill.

The resident of Lime Gardens addressed the Committee referring to his attendance at the last meeting where it had been agreed that external legal advice be sought in relation to the Council's legal obligation to enforce the double yellow lines already installed along Benjamin Drive, but the report submitted to the meeting referred to extra parking and did not address the issue of road safety. The Chair and Vice-Chair responded accordingly and confirmed that the road had been maintained by the authority for many years and confirmed that although the yellow lines had been installed as a result of an error, for safety reasons the lines would stay in situ but would not be enforced until after the results of the consultation had been received. It was anticipated that the consultation exercise would not be undertaken until after the Local Council Elections in May this year.

In response, the resident of Lime Gardens referred to the damage being caused to the grassed area due to parked cars, and reference was made to video evidence that had been submitted in relation to the damage to the grassed area, problems experienced by a refuse lorry trying to gain access on a Saturday when footballers were parked along the road, and a near accident with a child were also referred to. The resident stated that although he agreed with the consultation to be undertaken, he believed that this would not address the safety issues and reference was made to Wollescote Park and a Public Space Protection Order to prevent people parking on park land. It was acknowledged that more parking had been provided in the area which although had contributed to making the bend safer, had not addressed the issue of people still parking on Benjamin Drive.

Councillor N Neale, Cradley and Wollescote Ward Member, was in attendance at the meeting and spoke on behalf of the residents of Lime Gardens residential home with regards to concerns raised in relation to safety. It was confirmed that after requests had been received from residents with regards to serious safety issues due to parked cars, double yellow lines had been installed. After discussions had taken place with the current and previous Cabinet Members for Highways, it had been confirmed that the double yellow lines would stay in situ and would be enforced. Reference was made to the parking spaces that were already available and it was questioned why these were not being used as this would address the problems experienced. A question was raised as to who the key holders for the gates on the park were, and reference was made to a sign that had been displayed previously stating that parking was reserved for footballers only. Concern was raised regarding the length of time this issue had been ongoing and the need for a consultation exercise was brought into question, as this would only lengthen the time to resolve this serious issue, especially in view of the proposed installation of a pump track in the area which would require access and could result in further parking problems.

In response, the Vice-Chair confirmed that the Friends Group at Wollescote Park had been approached by the Council to become key holders and the request had been refused due to anti-social behaviour issues experienced in the park. The limited resources within the authority were acknowledged in relation to a staff member being appointed to open and close the gates. It was confirmed that the football teams who used the park would have access to a key to open and close the gates as they used the changing facilities on the park, and parking spaces had been made available to them to use on specific days. The need to resolve this issue as quickly as possible was reiterated but the need to observe the legal process was also acknowledged.

The Principal Lawyer replied accordingly stating that external legal advice had been sought as requested with regard to the status of the road that went through the public park and as the advice was legally privileged, it had been shared with Members of the Committee only. In summary, the Trust had been advised to consult with park users and the residents of Lime Gardens, and work was being undertaken with Green Care regarding the consultation. The legal opinion had advised that the next stage was for the Committee to consider the findings of the consultation exercise and engage with the Highways Authority, and that legal opinion was that the Highway Authority would have the legal power to leave the double yellow lines in place and enforce, although it was noted that referring to case law in this area, this was not a certainty. It was noted that the consultation also referred to the provision of extra parking in the park.

Referring to the provision of extra parking, Councillor N Neale stated that extra parking facilities would not address the issue as the gates were locked, and people wishing to park were being denied access.

68 **Change in Order of Business**

Pursuant to Council Procedure Rule 1 (c), it was :-

**Resolved**

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

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69 **Benjamin Drive Traffic Regulation Order and Parking – Homer Hill Park**

The Committee received a report from the Acting Service Director – Neighbourhood Delivery, updating Members on a consultation exercise concerning the Traffic Regulation Order and other parking at Homer Hill/Benjamin Drive.

In presenting the report, the Parks Development Manager confirmed that due to a lack of staff available, the authority relied on Friends Groups to take responsibility for opening and closing gates and that keys were provided to football clubs who could be requested to man the gates to allow access to the parking facility. In response, Councillor N Neale proposed that the gates be left open, and a height restriction barrier be installed to prevent access to large vehicles.

The Parks Development Manager referred to a report that had been submitted to a previous meeting by the Transport and Highways Services setting out a number of proposals which included: the provision of parking spaces at Benjamin Drive, strengthening the car park surface in the temporary parking areas in Homer Hill and adding a height restriction barrier, if this space was to be used as a permanent car park, and obtain further legal advice with regard to the retention and enforcement of the double yellow lines. In response to further concerns raised by the resident of Lime Gardens, the Parks Development Manager acknowledged that all car parks that were within parks faced parking challenges at different times of the year.

In response the Vice-Chair reiterated the challenges that had been experienced by residents when the car park gates had been left open. Reference was made to the opportunities the consultation would provide in terms of considering a plan of the park and where parking could be developed to meet current and future needs, including investigating the inclusion of space opposite the school to alleviate the major problems of parking within the area and consider appropriate parking surfaces. In relation to safety concerns raised, it was suggested that the football clubs that used the park be approached, to provide parking marshals at their events as part of their risk assessment. In response, the Parks Development Manager undertook to approach the teams.

In response, to the issue raised with regard to Public Space Protection Orders (PSPOs), the Parks Development Manager confirmed that consideration was being given to developing a PSPO for Wollescote Park and the request for Homer Hill could be considered at the same time, and it was noted that Police support and evidence of issues on that site would be required to take the order forward. The Chair proposed that PSPO's be considered for the four parks, namely Quarry Bank, Wollescote, Mary Stevens, and Homer Hill.

Councillor J Cowell raised concerns with relation to the provisions within the PSPOs, and the limitations with regards to Police involvement. It was advised that with the proposal of a pump track, proper access to emergency vehicles such as, ambulances would need to be considered.

The Principal Lawyer requested that the question stated in the consultation exercise regarding additional parking spaces be amended to read *'do you believe that additional parking spaces within the park, adjoining the park, and along Benjamin Drive would be helpful.* In response, the Parks Development Manager suggested that a map of the park would also be included in the consultation which would identify possible areas for additional parking.

In conclusion, the Vice-Chair referred to a letter received from Mrs V Bloomer, Secretary of Homer Hill Park, which had been tabled at the meeting, with regards to the wording to be used in the proposed consultation. In response, it was suggested that that Chair of Homer Hill Friends Group, in consultation with the Chair of the Committee and the Parks Development Manager, consider the wording to be used before any consultation documentation be released.

## **Resolved**

- (1) That the information presented in relation to the consultation exercise to be undertaken on the Traffic Regulation Order and other parking at Homer Hill/Benjamin Drive, be noted.
- (2) That subject to the inclusion of the additional wording proposed by Legal Services as referred to above, and subject to any necessary amendments suggested as a result of consultation with the Chair of the Committee and the Chair of the Homer Hill Friends Group, the recommendation that the Parks Department Manager, in consultation with Legal Services, undertake a consultation exercise, be approved.

That the consultation include: the residents of Lime Gardens, the Friends of Homer Hill Park, park users and neighbouring properties.

- (3) That the Parks Development Manager, be requested to approach representatives of the football clubs that use Homer Hill, with regard to the proposal that they provide parking marshals for their events.
  - (4) That, the Parks Development Manager, undertake the necessary arrangements in relation to the issuing of Public Space Protection Orders on the four parks, namely Wollescote, Homer Hill, Mary Stevens and Quarry Bank.
  - (5) That, the request submitted for the Trust to fund the costs associated with producing the consultation material, estimated to be in the region of £500, be approved.
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70 **Request for Grant – Friends of Wollescote Park**

A report of the Director of Finance and Legal Services was submitted to consider the request for a grant from the Friends of Wollescote Park.

In response to a question raised by Councillor J Cowell in relation to additional funding requested from Halesowen Community Forum, it was confirmed that the funding had been approved and had been allocated.

The Chair referred to the tremendous work undertaken by the Friends Group and recommended that the request for the grant of £2,000 be approved.

**Resolved**

That, the grant application of £2,000 to Friends of Wollescote park, be approved.

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71 **Wollescote Park – 5g mast**

The Committee received a report of the Director of Regeneration and Enterprise in respect of the draft Heads of Terms as agreed with Cornerstone and seeking Members' authorisation to proceed with the necessary actions to grant the initial licence for the ground investigations to take place and subsequently the lease for the mast and equipment.

In presenting the report, the Strategy and Governance Section Manager made specific reference to paragraph 8 of the report submitted, in relation to Cornerstone requesting consent from the Committee to enter the site to undertake a ground survey ahead of erecting a mast. In response, to the suggestion raised in relation to the mast to be painted an appropriate camouflage colour to blend in with foliage in the park, the Strategy and Governance Manager undertook to liaison with Cornerstone.

The Vice-Chair requested that his objection to the erection of a mast in the park, be noted.

**Resolved**

- (1) That the information submitted in relation to the erection of a 5g mast in Wollescote Park, be noted.
  - (2) That the Strategy and Governance Manager undertake discussions with Cornerstone, in relation to the proposal that the mast be painted to blend in with foliage in the park.
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The Committee received a verbal report from the Strategy and Governance Section Manager in relation to vacant space available at the Mary Stevens Centre.

In presenting the item, the Strategy and Governance Manager advised that, both tenants namely, Crafting for Carers and WeLoveCarers, had proposed to occupy all the existing space within the centre and concern was expressed that this would leave no space to be utilised by any other charities. It was noted that no rent was received by the authority from either charity, however, both charities were asked to cover a service charge. It was reported that, as a result of a utility bill that had been recently received, the service charge was still to be calculated and presented to both tenants for agreement.

In response, the Vice-Chair made reference to discussions that had been undertaken with WeLoveCarers and Adult Social Services, in relation to their proposal to expand the services they offered through developing a partnership with the Council. It was acknowledged that discussions were in the very early stages, and it was anticipated that Children's Services would become involved going forward.

Concerns were raised regarding the current condition of the building, and it was proposed that officers investigate the availability of any grants that could be accessed by charitable organisations as it was acknowledged that it was highly unlikely that either charity could contribute towards the significant costs that would be involved to upgrade the building. In response, the Strategy and Governance Manager referred to previous meetings where it had been discussed that the charities be offered longer lease terms in order for them to access grants.

The Vice-Chair referred to the valuable assets such charities offered to the Borough's residents, and it was confirmed that a meeting was to be arranged with the authority's Directors to consider the services that the charity could provide and how the authority could assist.

In conclusion, the Chair proposed that a further report, to include information requested by Members as referred to above, be presented to the next meeting of the Committee for consideration.

**Resolved**



- (1) That the information presented in relation to vacant space at the Mary Stevens Centre, be noted.
- (2) That the Strategy and Governance Manager be requested to provide a further, detailed report to the next meeting of the Committee for consideration to include information requested by Members at the meeting.

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73 **Stevens Park Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP).**

The Chair commented that as there were no representatives of the EJFP in attendance at the meeting, the Committee consider this item as part of agenda item no. 8 which would be heard in private for the reasons as outlined in the agenda.

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74 **Exclusion of the Press and Public**

**Resolved**

That the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information), as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

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75 **Stevens Park, Quarry Bank – Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP)**

A report of the Acting Service Director – Neighbourhood Delivery was submitted on the current situation with regard to the lease and the financial position of the Emily Jordan Foundation Projects (EJFP) at Stevens Park, Quarry Bank.

In presenting the report, the Funding and Projects Manager advised that since the last meeting, all parties had held meetings which included a meeting with the Lottery, who had set out key points for the EJFP to use in preparing their Business Development Plan to reach sustainability. It was reported that the EJFP had now submitted their finances and Business Development Plan, included as appendices to the report submitted, and both had been approved by the Lottery and the Council. The EJFP were confident that the gap in their finances could be addressed through several actions which were then presented.

To promote the partnership working, it was reported that the Council had proposed to hold regular meetings with the Directorate of Social Services/Dudley Disability Services to establish the assistance EJFP required from the Council.

Reference was made to an email sent on 22<sup>nd</sup> December 2023, from Mr C Jordan to his Solicitors instructing them to proceed. However, Legal Services advised that, to date, they had not received any contact from Mr Jordan's Solicitors to confirm that the lease was being progressed.

It was reported that Council officers had meet to discuss some items in the lease that were still to be considered and verified in terms of their compliance with all legal requirements before any agreement could be made. The authority felt they were now in the position to respond to EJFP with regard to the outstanding lease clause where upon the EJFP could instruct their Solicitors to proceed. It was proposed that a date should now be discussed for the completion of the lease.

In response, the Chair concurred with the importance of holding regular meetings with the EJFP and stressed that it was in the interest of all parties that the lease was signed as soon as possible and requested that a date be set for completion. The Funding and Projects Manager advised that the Council held quarterly meetings with the Lottery and meetings with the EJFP could be co-ordinated to report and feedback information from the Lottery.

In response to a question raised by Councillor J Cowell with regard to the café lease, the Funding and Projects Manager responded accordingly.

The Principal Lawyer advised further on the draft lease, advising that the Heads of Terms had been agreed as had been reported on in previous meetings, however, there were still outstanding issues that needed to be agreed, which were then outlined, and included the consideration of a schedule of conditions.

In response to a question raised in relation to a realistic timescale for completion, the Principal Lawyer advised on the procedure to be followed and stressed that contact with the Charity Commission could not be made until Mr Jordan's Solicitors had confirmed that the lease had been agreed, and the lease could not be completed until contact had been made with the Charity Commission.

The Funding and Projects Manager advised that Mr Jordan had stressed his commitment to signing the lease as it was understood that the lease was to be signed before further funding was made available to them from the Lottery.

The Chair referred to an email he had received from Mr Jordan outlining concerns he had raised. The Strategy and Governance Manager and the Funding Projects Manger responded accordingly with regard to the concerns raised in relation to EJFP outcomes and the condition of the building and reference was made to Appendix 6 of the report in this regard.

In conclusion, the Chair requested that, having considered all the comments made by Members at the meeting and the length of time this situation had been ongoing, an email now be sent to Mr C Jordan outlining the situation and request that the lease be agreed in full by 22<sup>nd</sup> March 2024, in order that the Council could be in the position to write to the Charity Commission to request consent.

### **Resolved**

- (1) That the information received on the current position with regard to the lease for Tintern House, Stevens Park, Quarry Bank with the Emily Jordan Foundation Projects and comments raised by Members, be noted.
  - (2) That Legal Services contact Mr C Jordan outlining the situation and requesting that he instruct his Solicitors to agree the lease in full by 22<sup>nd</sup> March 2024, so that the Council be in the position to write to the Charity Commission to request consent.
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### **76 Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 7.30pm.

CHAIR