

Ernest Stevens Trust Management Committee

Report of the Acting Service Director - Neighbourhood Delivery

Stevens Park Quarry Bank - Lease for Tintern House with the Emily Jordan Foundation Projects (EJFP)

Purpose of report

1. This report informs the Management Committee of the current situation with regard to the Lease and the financial position of this project at Stevens Park, Quarry Bank as requested by the Chair for consideration by the Committee.

Recommendations

2. It is recommended:-

It is recommended that:-

- The Ernest Stevens Trust Management Committee note the content of the report and inform Officers how they wish to proceed.
- The Ernest Stevens Trust Management Committee note the previous proposal by the Chair that a deadline for the completion of the lease be agreed. A date should therefore be discussed by the Committee for legal completion of the lease.

Background

3. This property is owned in trust by the Council (not as landowner) and is managed by the Ernest Stevens Trust Committee (the Committee). The Trust is registered with the Charity Commission. The Charity Commission have issued an Order permitting the Council (Trust) to grant a 10-year lease.

The Order has expired and the Charity Commission will need to be advised of the same and consent obtained for the grant of the lease. At the time of approaching the Charity Commission, we must provide the draft lease in a form agreed by the parties and this will support the case with the Charity Commission.

In 2019 the Council obtained funding for £1,395,500 approximately from the National Heritage Lottery Fund (HLF) and entered into a partnership agreement with the Emily Jordan Foundation on 30th August 2018 to January 2024. The parties in the partnership agreement agree to maintain accurate records and accounts for the duration of this agreement and the 10 years beyond the end of the programme for audit purposes.

The Lease

4. Heads of Terms were provided to Legal Services on 30th July 2018 by Corporate Landlord. On 25th October 2018, the Charity Commission agreed an Order to permit the grant of a lease but required a draft copy lease before submitting the final Order. On the 1st November 2018, a draft lease was sent to the Emily Jordan Foundation and Charity Commission.
5. Since March 2019, protracted communications, discussions and negotiations have taken place, including interventions by the HLF.
6. It has been agreed that upon the signing of a 10-year lease, Legal Services are to write to the Charity Commission requesting a 20-year lease but excluded from the protection of the L&T Act. The terms of the 20-year lease will differ from the ten-year lease as a longer relationship is envisaged and it is necessary to ensure the property is maintained in the longer term ensuring its return to the council in good and tenable condition, that the rental value is maintained through regular reviews and the outcomes are able to be updated accordingly to reflect changing needs and requirements.
7. On 14th July 2023 the Environmental Directorate advised that the Emily Jordan Foundation Projects had recently confirmed that they were facing financial difficulties having started three new charity projects at Tintern House during the covid pandemic.
8. Since the last Committee Meeting, all parties have held meetings including with the Lottery who set out key points for EJFP to use in preparing their 'Business Development Plan' to reach sustainability. EJFP have submitted their finances and Business Development Plan and is confident that the gap in their finances can be addressed through several actions as follows:
 - Increasing their number of trainees
 - Raising daily charge rates by 10%
 - External fundraisingEJFP note that they have a good retention rate of new trainees.

- The Council have proposed regular meetings with the Directorate of Social Services / Dudley Disability Services, to build up good working relationships with social workers. Ruth Krivosic (EJFP CEO) is making progress with building up relationships directly with key individuals but DMBC also needs to provide the right sort of support at an organisation level. In addition:
- It has been proposed by the Council that EJFP has an 'open house' event for Social Services to visit and see what is on offer at Tintern House.
 - Senior Staff & Cabinet Members Councillors Corfield & Clinton to visit EJFP Projects at Tintern House.
 - Travel to Tintern House is a potential obstacle for some trainees. The Council is to consider how it may be possible to help to overcome some of the transport issues.
10. EJFP/Chris Jordan informed the Council and Lottery on the 22nd December '23 that the lease was underway on the 8th January '24 confirmed that he has had several discussions with and instructed his solicitors. Legal Services require contact from EJFP's solicitors to confirm that the lease is being progressed.
- Project Board, Lottery and Ernest Stevens Trust Management Committee:
11. - The Project Board has been reconvened and updated on progress.
- The Project Board has approved the current process and progress.

Finance

12. The Lottery and Council have reviewed and approved EJFP's Accounts and Business Development Plan referred to in the body of the report.

Outcomes

13. As requested by Legal Services and the Ernest Stevens Trust Management Committee, a review of the Outcomes for both the requirements of the Lottery grant and the wider Community Outcomes is attached as Appendix 1.
Appendix 2 includes the Lease Challenges and Outcomes to which EJFP have added their achievements up to October 2023.

Partnership Working & support provided by the Council to EJFP.

14. The partnership agreement between Dudley Council and EJFP was signed in August 2018. The agreement stated that the Council would signpost potential trainees to the EJFP projects and EJFP have stated that

this has not happened in a timely manner over the past 2 years. The Council maintains that it has provided support in numerous ways but acknowledges that signposting trainees is important.

The Council have proposed regular meetings to develop signposting of trainees, better partnership working and engagement with the local and wider communities to the benefit of all parties and the legacy of the Ernest Stevens family and Trust.

Law

15. Section 139 of the Local Government Act 1972 empowers the Council to accept and administer gifts of property which it enables the Council to discharge any of its functions and where the gifts are for the purposes of benefitting the inhabitants of the area. The Ernest Stevens Trust Committee has delegated powers to deal with the management of all land and properties within the Borough that are held under trust. The key legislation being the Charities Act 1960, 1992, 1003, 2011 and the Trustee Investment Act 1961.

Risk Management

16. The following risks are inherent with this project:

- If the charity were to cease trading, the Council would be liable for the delivery of the outcomes and approved purposes of the Lottery Grant.
- If the charity were to cease trading, the Council may have to find an alternative charity partner and/or café operator.

Ongoing discussions between the Council, EJFP and the Lottery minimise, mitigate and ultimately avoid the realisation of the above risks.

Equality Impact

17. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.
18. It is noted that if EJFP were to cease trading there would be considerable detrimental impact on those young persons with learning disabilities who rely on the training and community provided by EJFP.

Human Resources/Organisational Development

19. Not applicable to this report

Commercial/Procurement

20. Not applicable to this report

Environment/Climate Change

21. EJFP's projects are beneficial to the Environment and help address the negative impacts of Climate Change by:
- The horticultural training provided by EJFP in 'Twigs' will encourage young people to grow produce and care for the environment.
 - Spokes Cycle Project encourages the renovation of bicycles and cycle use.
 - Go Green project recycles a variety of materials.

Council Priorities and Projects

22. The working partnership with EJFP accords with the Council vision and plan for Dudley to be 'The Borough of Opportunity' where "Those with special educational needs and disabilities achieve the best possible outcomes"



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Appendices

- Appendix 1: Stevens Park Quarry Bank Lease: Outcomes
- Appendix 2: Lease Challenges and Outcomes (separate attachment)

Appendix 1: Stevens Park Quarry Bank Lease: Outcomes

As requested by Legal Services and the Ernest Stevens Trust Management Committee, a review of the Outcomes follows:

NHLF Outcomes:

The grant award from the National Heritage Lottery Fund requires the Approved Purposes and Outcomes to be delivered.

NHLF Approved Purposes: these include

- (The Council to) Refurbish and extend Tintern House, lease to Emily Jordan Foundation....

We note that on completion of the lease, this requirement will be met.

- EJF to deliver three skills development projects to individuals with disabilities: horticultural training (Twigs), bike maintenance/recycling (Spokes) and metal /plastics recycling Go Green).

Evidence: We can confirm that since occupation in August 2021, EJFP has delivered the three skills development projects as agreed.

Evidence of this has been monitored and reported to the Lottery in quarterly reports, prepared by EJFP, reviewed and submitted to the Lottery by the Council. These reports can be made available on request.

We note that the Lottery have always been satisfied with the progress and supportive of EJFP.

Lease Terms, Challenge & Outcomes: the lease refers to Rent as:

“Being a peppercorn (if demanded) on the basis that the Outcomes will be delivered by the Tenant” and that “Outcomes are as the “Challenges and Outcomes” as at Schedule 1. This is attached as Appendix 2 and has been amended by EJFP to demonstrate delivery.

Evidence: Auditing of EJFP’s Lease Challenges and Outcomes has occurred throughout the Lottery project with quarterly reports from the Council’s Project Manager, together with reports from the Chief Executive Officer of EJFP, Ruth Krivosic. These are then presented and discussed in person with the Lottery and actions noted.

We confirm that the lottery have noted that EJFP have continued to deliver the Outcomes through adverse times and conditions.

EJFP have demonstrated that they have exceeded their Volunteer Hour targets in Year 1 and 2 however a shortfall is likely in Year 3. This is due to 2 volunteers transferring to employment with EJFP, previously giving 8hrs a week. Other challenges have been volunteer sickness/medical issues, covid and Jury service.

Appendix 1: Stevens Park Quarry Bank Lease: Outcomes (continued).

Community Outcomes:

In addition to the outcomes required to be evidenced by the Lottery and under the terms of the lease, the Ernest Stevens Trust Management Committee has requested that a review of Community Outcomes resulting from the presence and activities of EJFP, be included in this report. A brief review of community outcomes follows.

Clean and better maintained: One of the aims of the 10-year Management and Maintenance Plan produced for the park as part of the progression towards Green Flag Status is that it becomes a clean and well-maintained space. Tintern House and its environs receive regular litter picks by the trainees and staff of EJFP contributing towards pride of place and a welcoming environment for the local residents and park users. Trainees from EJFP would like to become more involved in amenity horticulture in the park when opportunities arise.

Community Engagement: The trainees access all areas of Tintern House (except the Green Care Office). They have developed a good rapport with increased members of the public who now visit the park. The trainees continue to develop their skills in recycling, crafts, and bicycle building. They serve customers, many who live locally, who are buying bikes in Spokes and sell plants and the crafts they have produced in Twigs.

Park Events, Activities and Inclusivity: EJFP has advertised the rooms for hire with local businesses, the NHS and other community groups. The environment and the Café are especially attractive and is often used for gatherings to avoid paying for room hire. We have a regular booking from Daisy Workshop and had enquiries from Yoga instructors to Children's parties.

The Charity promotes inclusivity and has supported every event organised by the Community Development Officer, from Dog Shows, Christmas Extravaganza's, Eco Events, Cycling activities and Art in the Park, to name a few.

'Soft' Community Outcomes and Reduction in ASB: It has been noted that since the Lottery Project and the presence of EJFP in Tintern House and 'Twigs' in the park, there has been a reduction in Anti-Social behaviour and an atmosphere which feels safer and more welcoming. The regular presence of staff, trainees and the associated activity, including the additional visitors and café users, all contribute to the community outcomes.

Appendix 1: Stevens Park Quarry Bank Lease: Outcomes (continued).

'Soft' informal community outcomes are those generated by passers-by and regular park users exchanging greetings with EJFP as well as those browsing in the Twigs area, chatting and noting the seasonal changes in plants on offer.

Future Opportunities: The Council in partnership with EJFP have agreed that there is potential and future opportunities to work better together, improving community engagement and outcomes. The range of events will be discussed and the potential for coordinated activities and improvements, at Tintern House and in the park. Better partnership working will therefore benefit EJFP, residents and park workers and the legacy of the Ernest Stevens family.

A new Community Development Officer is being recruited. This post will cease from December 2024 by which time we aim for the joint activities at Tintern House and within the park to be self-sustaining and continue for the future.