

Ernest Stevens Trust Management Committee

Report of the Director of Environment

Stevens Park Quarry Bank regarding the 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 position of this project at Stevens Park, Quarry Bank as requested by the Chair for consideration by the Committee.

Recommendations

2. It is recommended that:-
 - The Ernest Stevens Trust Management Committee note the content of the report and inform Officers how they wish to proceed.

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, meetings have been held and clauses have been redrafted and added to the lease to accommodate:
 - EJFP to secure their own Utility supplies
 - EJFP to revert to the Councils Building Insurance Policy
 - A Schedule of Condition and Responsibilities to be added.

The draft lease was sent to Chris Jordan on 11th March but we note that he is on holiday for 2 weeks. He hopes to instruct his solicitors to review the lease so they will have an assessment of it by week commencing 1st April 2024.

9. 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 and Cabinet Members Councillors Corfield and 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. Project Board, Lottery and Ernest Stevens Trust Management Committee:
 - The Project Board has been reconvened and updated on progress.
 - The Project Board has approved the current process and progress.

Finance

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

Outcomes

12. 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 was included as Appendices 1 and 2 of the previous report for the meeting of January 31st, 2024.

Since that time, the wording for the Outcome category for 'Caring Matters/Healthy Communities - Better Health' has been agreed and changed so that the evidence for: "Promote healthy eating by running a café at Tintern House" is now: "EJFP will endeavour to ensure that the Café Menu includes 40% Healthy Eating Options. "

Partnership Working & support provided by the Council to EJFP

13. 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

14. Legal Services to Review:

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

15. 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

16. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.

17. 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

18. Not applicable to this report

Commercial/Procurement

19. Not applicable to this report.

Environment/Climate Change

20. 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

21. 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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