

**Special Meeting of the Ernest Stevens Trusts
Management Committee**

**Wednesday 23rd February, 2022 at 6.00pm,
Committee Room 2,
Council House, Dudley**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. Terms of Reference of the Committee (Pages 1 - 2)
5. Deeds of Gift (Pages 3 – 11)
6. Installation of a Defibrillator at Richardson's Hall, Wordsley (Pages 12 - 14)
7. Mary Stevens Café, Mary Stevens Park, Worcester Street, Stourbridge – Lease Renewal (Pages 15 - 18)
8. To consider any questions from Members to the Chair where two clear days' notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 15th February 2022



Distribution:

Members of the Ernest Stevens Trusts Management Committee:

Councillor I Kettle (Chair) – Pedmore and Stourbridge East Ward

Councillor L Taylor-Childs (Vice-Chair) – Norton Ward

Councillor T Crumpton – Cradley and Wollescote Ward

Councillor M Hanif – Lye and Stourbridge North Ward

Councillor A Hopwood – Wollaston and Stourbridge Town Ward

Councillor R Clinton – Quarry Bank and Dudley Wood Ward

Co-opted Members (Non-voting):

Friends of Stevens Park, Quarry Bank – D Sparks

Friends of Wollescote Park – J Marks

Friends of Mary Stevens Park – H Rogers

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Ernest Stevens Trusts Management Committee – Terms of Reference

1. To consider and determine all matters that are the responsibility of the Trustee and which fall within the following terms of reference: -
 - (1) The administration of the Stevens Park Trust (Quarry Bank) as regulated by the Deed of Gift dated 29th January, 1921.
 - (2) The administration of Mary Stevens Park Trust (Norton) as regulated by the Deed of Gift dated 6th December, 1929.
 - (3) The administration of the Stevens Park and Recreation Ground Foundation Trust Wollescote as regulated by Deed of Gift dated 29th September, 1930 and by the Scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 24th May, 1966.
 - (4) The administration of the Mary Stevens Maternity Home and Public Park Charity as donated by the Deed of Gift dated 13th February, 1931, and regulated by the scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 3rd October, 1989.
2. To consider and determine all matters relating to Trust land in the Borough within the terms of the appropriate governing documents.
3. To ensure that officers of the Council work within the guidance of the Charity Commission and the Charities Act 2011.
4. To make decisions following consideration of all relevant reports, consultation papers and documents from officers of the Council within the terms of the appropriate governing documents.
5. To work with officers of the Council to achieve a result that is in the best interests of the beneficiaries of the Charity within the terms of the appropriate governing documents.
6. To ensure that an appropriate Member attends the Committee when dealing with any land/property that is not included within the Ernest Stevens Parks, in order to discuss the subject of the query regarding the particular parcel of land/property (but not to be part of the decision-making process).
7. To seek external legal advice in the event of a potential conflict of interest between the Council as Trustee and the Council as Local Authority and obtain advice from the Charity Commission.

8. To make recommendations to the Council on any matters relating to the Ernest Stevens Trusts which do not fall within the above terms of reference and which are not delegated to the Committee.

Ernest Stevens Trusts Management Committee – Onward Delegation

Lead for Law and Governance

Following consultation with the Chair and Vice-Chair to take action on matters of urgency that cannot reasonably be deferred until the next programmed meeting of the Ernest Stevens Trusts Management Committee.



Meeting of the Ernest Stevens Management Trusts Committee – 23rd February, 2022

Report of the Lead for Law and Governance

Deeds of Gift

Purpose

1. As requested by the Chair of the above Committee, there should be a discussion surrounding the deeds of gift in respect of the land and buildings held in Trust by the Council. The purpose of this report is to provide information prior to this discussion for information purposes.

Recommendations

2. It is recommended:-
 - That officers and members of the above Trust Committee consider the governing documents and any scheme of the Charity Commission before a discussion and decision being made at any future meetings of the Trust Committee. Copies of governing documents/deeds of gift in respect of the four Stevens Parks have been sent by Legal Services to all members serving on the Trust Committee on 30th September 2021.
 - With regard to the other properties or land that are held in trust managed by this Trust Committee, that Ward Members are invited to all Committee meetings in order that they can discuss the report and surrounding issues but that they cannot vote on a decision being made by the Trust Committee. A list of the other trusts are set out below and other trusts can be added to the list as and when officers are aware of such trusts. Copies of the governing documents/deeds of gift can be emailed to all officers and members when a report is being delivered to the Trust Committee, in order that a full discussion can take place prior to a decision being made.

Background

3. The governing documents/deeds of gift in respect of the four Stevens Park are dated 29th September 1930 in respect of Wollescote Hall and Park, 13th February 1931 in

respect of Mary Stevens Centre and Park, Oldswinford, 6th December 1929 in respect of Studley Court, Norton Stourbridge and 29th January 1921 in respect of Tintern House and Park, Quarry Bank. Various Schemes have been granted by the Charity Commission in respect of the Stevens Park to permit the Council, as Trustee, to grant leases, deal with financial grants etc.

4. When considering a disposal of land/property (either a freehold or lease of 7 years or more), then the consent/scheme of the Charity Commission must be obtained. In addition to this an independent surveyor's report must be obtained. For leases/licences of less than 7 years, the Trust Committee can rely on a surveyor employed by the Council and there is no requirement to obtain any consent from the Charity Commission.
5. The list of other trusts across the Borough in respect of land/property is attached to this report.

Finance

6. For the purposes of this report, there are no financial implications.

Law

7. Part 7 Sections 117 – 127 of the Charities Act 2011 apply, in addition to other sections of this legislation. Sections 123 Local Government Act 1972 apply in terms of best consideration being obtained. Section 139 of the 1972 Act 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 benefitting the inhabitants of their area.

Risk Management

8. The proposals in this report do not lead to any material risks.

Equality Impact

9. The Trusts have been set up to benefit the public in certain geographical areas of the Borough as outlined in each Deed of Gift/Governing document.

Human Resources/Organisational Development

10. The proposals in this report do not have any direct organisational development or human resources implications.

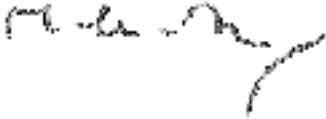
Commercial/Procurement

11. Activities are subject to the conditions set out in the Deeds of Gift and any subsequent Schemes of the Charity Commission.



Council Priorities

12. The conditions of the Deeds of Gift that govern the Trusts include the provision of facilities for recreation or other leisure time with the object of improving the conditions of life, or such other charitable purposes as the Council, as Trustee, may determine. This will contribute to the Council Plan objectives to Grow a Strong Visitor Economy, Develop Green Space and Reduce Social Isolation.



Mohammed Farooq
Lead for Law & Governance

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Appendices

List of Background Documents – list of other trusts



Report on title – Trusts in the Borough Council of Dudley

Deed Packet – H2 – 22

This title is registered at HM Land Registry under title number WM914260 and is freehold lying to the south of Lawnswood Road, Wordsley, Stourbridge. There are restrictive covenants in the title deeds that the Council will erect and maintain a substantial fence on the north and west sides of the land – further that the use of the land in perpetuity as a playing field for the use of the public as part of the King George VI Park, Wordsley under the powers contained in the Physical Training and Recreation Act 1937.

This land is registered at the Charity Commission under number 219684.

Deed Packet – G5 – 15

This title is registered at HM Land Registry under title number WM893182 and known as Marsh Park, North Street, Brierley Hill. There are restrictive covenants contained in an Indenture dated 2 February 1925 made between (1) Marsh and Baxter Limited and (2) The Urban District Council of Brierley Hill. By two deeds dated 19th June 1944 and 21st November 1955 both made between (1) Marsh and Baxter Limited and (2) Brierley Hill Urban District Council the said covenants were expressed to be released.

In the 1925 deed the Council covenanted to:-

1. To use the land for the purpose of a public park and pleasure grounds for the recreation of the public.
2. To lay out the land and premises as a public park and pleasure grounds and forever hereafter support maintain and improve the said land and premises hereby conveyed for the purpose of a public park and recreation grounds and will as soon as convenient fence off that portion of the land hereby conveyed from the adjoining land of and retained by the Company on the northerly side of the land hereby conveyed with a good and sufficient fence between the points marked A B and C on the plan and will forever after maintain such fence in good order and condition at the expense of the Council and will also forthwith erect and forever maintain the suitable entrance gates to the park and grounds.

In the 1944 deed the Company released and forever discharged the Council from the covenant on the part of the Council contained in the above Conveyance to the extent that the Council may at any time within 10 years from the date of this deed build and construct a Civic Centre (including a Town Hall a Memorial Hall a Council Chamber Committee Rooms and Administrative Offices) such as in indicated in the report of the Council's T own Planning Consultants.

In the 1955 deed the Company released and forever discharged the Council from the obligations of the covenant in the 1925 to the extent necessary to permit or enable the Council to lease a small portion of the park to the Trustees of the Brierley Hill and Brockmoor Old People's Welfare Committee

for the purposes of erecting a pavilion thereon for the use of the old people of Brierley Hill and Brockmoor but not further or otherwise. The registered title refers to a lease of land at Marsh Park edged blue for a term commencing on 1st March 1955 until 31st October 2030. Presumably this relates to the lease to the Trustees.

The land at Marsh Park Brierley Hill is registered at the Charity Commission under number 219683.

Deed Packet 08 – 151

Conveyance dated 30th July 1934 made between Cannon Iron Foundries Limited to Coseley Urban District Council relating to land at Old Meeting Road Coseley.

“The Local Authority declare that they will hold the said hereditaments which shall hereafter be known as the Clayton Playing Fields upon the trusts namely:- UPON TRUST for the use thereof by the public for the purposes of exercise and recreation pursuant to the provisions of the Open Spaces Act 1906 and in particular as a playing ground for the School Children of the Coseley Urban District

The Local Authority further declare and hereby covenant that they will not build or cause or suffer to be built upon the land hereby granted and conveyed any building or erection whatsoever other than such sheds or shelters as may be for the convenience of School Children playing thereon which said sheds or shelters shall be subject to the approval of the Company and they will pass all bye laws necessary for the protection of ornamental trees flowers and the like which are now or may at any time be planted thereon”

There is within the deed packet restrictive covenant indemnity schedule policy number CL109142107, the limit of indemnity being £700,000. The reason for this insurance policy relates to the erection of the youth centre building, as Cannon Iron Foundries Limited could not have traced for consent.

This Conveyance is registered at the Charity Commission under number 522647.

Deed Packet H3 – 34

Trust Deed dated 1st February 1908 in respect of Richardson Hall, Wordsley. This deed states “Provided Always that Richardson Hall shall not be used for any gathering having for its object any damage or criticism of the Church of England or any religious denomination”

This trust deed is registered at the Charity Commission under number 219681.

Deed Packet D3 – 1

Conveyance dated 25th February 1928 made between (1) James Wardale Kings (2) George Harvey Green and (3) The Mayor Aldermen and Burgesses of the Borough of Stourbridge (2) in respect of freehold land situate at Oldswinford and known as Swinford Common. This land is registered at HMLR under title number WM893236 with freehold title at Stanley Road, Stourbridge. The Corporation covenant to perform the covenants in the Schedule. The Schedule reads “(i) to effectually close all means of ingress egress and regress to and from the said pieces of land and the adjoining lands (formerly belonging to the Worcester Land and Investment Company Limited) (ii) Not to raise the water level of the brook or watercourse or dam the same or do anything to impede the free drainage into the said brook or watercourse of the adjoining or surrounding lands (formerly belonging to the to the Worcester Land and Investment Company Limited) or the free flow and passage of water from through or over such adjoining lands along the said brook or watercourse into the Heath Pool (iii) That no dwellinghouse shall be erected on the said land at a less cost in labour and materials than £250 (iv) That no noisome or offensive trade or business or other nuisance shall be permitted upon the said land nor any other thing which may deteriorate any adjoining or neighbouring property now or formerly belong to the Worcester land and Investment Company Limited or which may be a nuisance to the owner or occupier for the time being”

This conveyance is registered at the Charity Commission under number523197.

Deed Packet E8 – 165

Conveyance dated 9th January 1958 made between the personal representatives of Joseph Merari Tate Deceased (1) David Ewart Tate (2) The Mayor Adlermen and Burgesses of the Borough of Halesowen (3) relating to land at or near Overend Cradley Halesowen. The Corporation covenant with the Donor to lay out the land conveyed as a garden adjoining the Oakley Memorial Garden. This brings me onto Deed Packet E8 – 164

Conveyance dated 27th June 1953 made between (1) James Oakley (2) The Mayor Aldermen and Burgesses of the Borough of Halesowen. The Corporation hold the land on the following trusts

- (a) to hold the said land for the benefit of the inhabitants of the Borough of Halesowen in perpetuity
- (b) to maintain permanently the following inscriptions at the main entrance in Colman Hill to the said land namely:-
 - (i) on the gates the words “The Bernard Oakley Memorial Gardens”
 - (ii) on the gate pillars the words “These gardens and pleasure grounds were laid out and presented on June 27th 1953 to the Borough of Halesowen by Mr and Mrs James Oakley in memory of their son Bernard J Oakley who died on active service in Holland, October 16th 1944” “Greater love hath no man than this, that a man lay down his life for this friends – John. 15 – 13.

- (c) to support and maintain the said land as and for the purposes of a recreation ground playing ground for children and public.

This conveyance continues with various covenants by the Corporation.

The Bernard Oakley Gardens Trust Fund is registered at the Charity Commission under numbers 226493 and 509354.

Deed Packet E8 – 11 and E8 – 12 this relates to Homer Hill Recreation Ground. Part of this park is registered at the Charity Commission under numbers 701251 and 523120 this relating to the Conveyance dated 11th October 1922 made between Benjamin Hodgetts (1) Herbert John Cox (2) The Parish Council of Cradley (2). The Council covenant with H J Cox (a) that the Council its successors or assigns will forever hereafter support maintain and improve the said land as and for the purposes of public recreation grounds (b) not to use or permit the land to be used for the purpose of playing any games whatever on the Sunday in each week (c) not to sell or consume or permit to be sold or consumed on the land any intoxicating drinks under any circumstances whatsoever.

Ernest Stevens Parks – Quarry Bank, Norton Stourbridge, Wollescote and the Maternity Home & Grounds. These are all registered at the Charity Commission under numbers 219690 – , 203087 – , 523195 – , and 523196. There are many covenants within all of these deeds, of which I can advise further if required. The Stourbridge Area Committee used to act a Trustee but this has been replaced by a Committee specifically to deal with Stevens trusts issues of concern.

Deed Packet P5 –8

There are various conveyances to the Council owing to the extent of land at Sedgley Beacon but the Conveyance dated 18th October 1935 is registered at the Charity Commission under number 522644. The Council covenant that it will at all times keep and preserve the monument in a reasonable state of preservation together with any inscriptions that may be thereon. Further to keep the land firstly described (other than the monument) as an open space for the benefit of the inhabitants of Coseley and District and to maintain the same in good and tidy condition as an Open Space and to take all reasonable steps to prevent the same from deterioration by misuse damage or becoming littered or in any way becoming a nuisance to the owners or occupiers of the adjoining or neighbouring land. There is also a fencing covenant.

Deed Packet G8 – 18

Land at Dudley Wood, Dudley and relates to the Deed of Gift dated 24th February 1966 made between T L Tibbetts (1) The B C of Dudley (2) – user covenant for the Council to use the same for use by the public for the purposes of exercise and recreation pursuant to the provisions of the Open Space At 1906. This document is registered at the Charity Commission under number 1112733

Deed Packet A6500

This relates to Pens Meadow School (Benjamin Cooper in respect of a lease dated 2nd April 1984 made between the Secretary of State of Social Services (1) Dudley Borough Council (2) for the Special School in Wordsley Hospital – Mental Handicap Unit. The lease is for a term of 75 years from 7th March 1977. This document is also registered at the Charity Commission.

Deed Packet

Astley Burf Stourport-On-Severn

Charity Commission number 1037595 – Astley Burf Camp Trust

Deed of Gift dated 30th December 1938 made between Thomas Willetts Adshead, George Alexander Ashton Thomas William Tanfield (1) Mayor Aldermen and Burgesses of the County Borough of Dudley (2)

The Council entered into the following covenants:-

1. To maintain the premises as a School Camp known as the Astley Burf Camp for the benefit of the children and young persons of the Borough of Dudley
2. From the 1st October 1938 to be responsible for the administration of the camp and all assets and liabilities in connection therewith
3. To permit the Juvenile Organisations Committee for the time being for the County Borough of Dudley or any persons or bodies or organisations nominated by them to have the full use and occupation of the said premises for the purposes of a camp for children and young persons during recognised school holidays and on such other occasions and during such other periods as the Local Education Authority shall not require the use of the premises for camping purposes.

Ruiton Windmill – the deed conveying the property and land is not a trust but there is a trust deed dating back to the 1980's between the Council and the Managing Trustees regarding the day-to-day management of the property. I have recently reported on this in reports.

The purpose of this report is to set out what parks/land/buildings are registered at the Charity Commission. I have referred to registered title numbers at HMLR where the information was available in the actual deed packets but I believe that all the land in the Borough within parks is registered at HMLR but I have not applied to HMLR for copies of the registered titles because that is not the purpose of this report. This report has been completed by a research of all the deed packets and reference to the Charity Commission website. I confirm that there is no evidence of registration of the land at the Charity Commission within the deed packets. If any officers know of any other land/property being registered at the Charity Commission, then please forward details to the Conveyancing Section in Legal Services.

Under the provisions of the Charity Act 2011, the Council should apply to the Charity Commission if it wishes to make any alteration to a scheme or proposes in the future to dispose of land.

I have taken advice from an expert in charity land transactions and the Council is acting in accordance with the requirements of the Charity Act 2011 in having charity land registered at H M Land Registry in the name of the Council so far as the legal title to the land is concerned but dealing with the trust/equitable interest in the land and building under a special Committee set up to make decisions for and on behalf of the trust. All documentation should be clearly kept separate from the Council's record as land owner or planning authority.

To conclude, the following are registered at the Charity Commission:-

4. Lawnswood Park, Wordsley,
5. Marsh Park, Brierley Hill
6. Clayton Playing Fields, Coseley,
7. Richardson Hall,
8. Swinford Common
9. Land at Overend, Cradley
10. Bernard Oakley Memorial Gardens
11. Ernest Stevens Parks
12. Sedgley Beacon
13. Land at Dudley Wood (T L Tibbetts)
14. Pens Meadow School (Benjamin Cooper)
15. Homer Hill Park Cradley

The Council also has land at Kingswinford and in the conveyance to the Council covenants not to use or allow to be used the land hereby conveyed for any purpose other than a public park and playing ground and that no buildings shall be erected thereon except such as are usually erected in public parks and playing rounds but no hoardings or advertisement boards shall be erected in any position which might be a nuisance or annoyance to the owners or occupiers for the time being of the adjoining property of the Vendors or of the Testator. I cannot trace this land being registered at the Charity Commission.

Officers in DUE have queried whether there is a trust at Silver Jubilee Park, Mason Street, Bilston but I have checked the deeds. There is a covenant relating to "not to be used for any trade or business which would be or become a nuisance or annoyance to the Vendor or the owners or occupiers of the adjoining lands and premises but will be utilised for purposes authorised by Statute governing the acquisition of land by local Authorities". I cannot trace this land being registered at the Charity Commission.

The Council has various parcels of land in the Borough that are subject to Deeds of Dedication but these are not registered as trusts. The Deeds of Dedication are contained within the deed packets.

Meeting of the Ernest Stevens Trust Management Committee - 23rd February, 2022

Report of the Director of Regeneration and Enterprise

Installation of a Defibrillator at Richardson's Hall, Wordsley

Purpose

1. To inform the Management Committee of the proposal being put forward by Councillor K Lewis, which is to install a Defibrillator unit at the Richardson's Hall, Wordsley.

Recommendations

2. It is recommended:-
 - The Committee note the content of this report.
 - The Committee approves a defibrillator being installed at the Richardson's Hall at Wordsley and delegates to the Director of Regeneration and Enterprise the task of agreeing the specific location for the unit to be installed under the terms of the lease.

Background

3. Councillor K Lewis and members of the community have successfully raised the funds for the installation of a defibrillator unit at Richardson's Hall in Wordsley. A defibrillator is a device that gives a high energy electric shock to the heart of someone who is in cardiac arrest. This high energy shock is called defibrillation and it's an essential part on trying to save the life of someone who's in cardiac arrest. To operate a defibrillator, it requires a small power supply, and it needs to be heated to a minimum temperature which is why fixing it to a building such as the Richardson's Hall is appropriate. They are designed to be publicly accessible so anyone can use them.
4. The area in which the Richardson's Hall is in Wordsley does not currently have the benefit of an on-site defibrillator. It will therefore be of great benefit to the local community and residents using the local amenities to know that such a facility will be available.

5. Councillor K Lewis has indicated that various local businesses, as well as the tenants of the Richardson's Hall, are prepared to take on responsibility for the defibrillator and arrange training for its use.
6. The Director of Regeneration and Enterprise will ensure that both permission and, upon support of the Committee, approval is confirmed in accordance with the lease.

Finance

7. The cost of the defibrillator is £1,500 (exclusive of VAT), the funds for this have been secured from donations secured by Cllr K Lewis. The cost includes a 5 year warranty for the cabinet and a 1 year electrical warranty. It also includes for installation by an approved electrician. The tenant and wider community have also committed to meeting ongoing maintenance.

Law

8. Section 111 of the Local Government Act 1972 which allows the Council to do anything that is calculated to facilitate or conducive to the discharge of statutory functions. Section 1 of the Localism Act 2011 which provides Councils with the general power of competence to do anything that individuals generally may do, subject to Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 which gives power to authorise dealings with charity property.

Risk Management

9. For someone in cardiac arrest a defibrillator needs to be found as quickly as possible and for every minute it takes for the defibrillator to reach someone and deliver a shock, their chance of survival reduces. The Richardson's Hall is a well-used venue, and the immediate locale is a popular area with a variety of local businesses and public transport points close to the Wordsley Green shopping centre. This proposal will positively contribute to this area being considered a safe place to visit.

Equality Impact

10. The proposals within this report are consistent with the Council's Equality and Diversity Policy and with the Equality Act 2010. This is an inclusive project which will be accessible to all sectors of the community.

Human Resources/Organisational Development

11. There are no HR/organisational development implications arising from the proposals contained in this report.

Commercial/Procurement

12. All processes, procedures and activities within the project will be compliant with the Council's Contract Standing Orders and Procurement legislation.



Council Priorities

13. The proposals contained in this report will positively benefit the local community, the local infrastructure and schools in the area, local GP and health provision, public transport connectivity, local housing needs, green spaces, and the safety of the community.

Helen B Martin

Helen Martin
Director of Regeneration and Enterprise

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Appendices
None



**Meeting of the Ernest Stevens Trust Management Committee - 23rd
February, 2022**

Report of the Director of Regeneration and Enterprise

**Mary Stevens Café, Mary Stevens Park, Worcester Street, Stourbridge
DY8 2AD – Lease Renewal**

Purpose

1. To consider the lease renewal of the Café within Mary Stevens Park, Worcester Street, Stourbridge.

Recommendations

2. It is recommended that :-
 - The Committee approve the grant of a lease renewal of the café to the current tenants Smiths Developments Limited on the terms set out, on behalf of the Council in their capacity as trustees.
 - The Lead for Law and Governance be authorised to complete the lease.

Background

3. Mary Stevens Park is part of the Ernest Stevens Trust and Dudley Borough Council is the Trustee. The function of the Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.

The current tenant Smiths Developments limited has leased the café from the council since July 2015 at a rent of £12,000pa, and has successfully built up the business within the park. This lease expired in July 2020 and the tenant has remained in occupation holding over on the terms of the original lease.

The lease was not renewed at the time due to the ongoing pandemic introducing a period of uncertainty.

The tenant now wants to renew and terms for the renewal have been negotiated for a 5 year lease backdated to 8 July 2020 at a rent of £14,000pa. The tenant will be responsible for all repairs to the building. The lease will be outside the landlord and tenant act 1954 and further is subject to 6 months notice to break from the tenant in recognition of the ongoing business uncertainty being caused by the pandemic.

The café operation will remain as previously, open 7 days a week between 8am and 6pm in the summer and 10am and 4pm in the winter which correlates to the park opening times.

This proposal allows a successful business to remain operational within the park providing a service to park users. The income is credited to the Ernest Stevens Trusts accounts and the operating and running costs for the café are borne by the café operator.

Finance

4. The proposed lease renewal will result in annual rental income of £14,000, which will be credited to the Parks Development Account, specifically relating to Mary Stevens Park, and will contribute toward the running costs of the Park. This income will be included and reported within the annual Trust accounts for Mary Stevens Park (charity no 523195).

Law

5. The Council is the registered Trustee of the charity and in accordance with the Council's Constitution has delegated the administration of the charity to this Management Committee.

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.

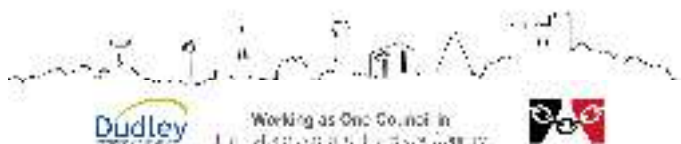
The Law relating to Trusts which are charitable is contained in various legislation. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

Risk Management

6. The proposals in this report do not lead to any material risks.

Equality Impact

7. The Trusts have been set up to benefit the public in certain geographical areas of the Borough as outlined in the Deeds of Gift.



Human Resources/Organisational Development

8. The proposals in this report do not have any organisational development / Human Resources implications.

Commercial/Procurement

9. Activity is subject to the conditions set out in the Deeds creating the Trusts and any subsequent schemes made by the Charity Commission.

Council Priorities

10. The aims of the Trusts include the provision of facilities for recreation or other leisure time occupation with the object of improving the conditions of life, or such other charitable purposes as the Council may determine. This will contribute to Council Plan objectives to Grow a Strong Visitor Economy, Develop Green Space and Reduce Social Isolation.

Helen B Martin

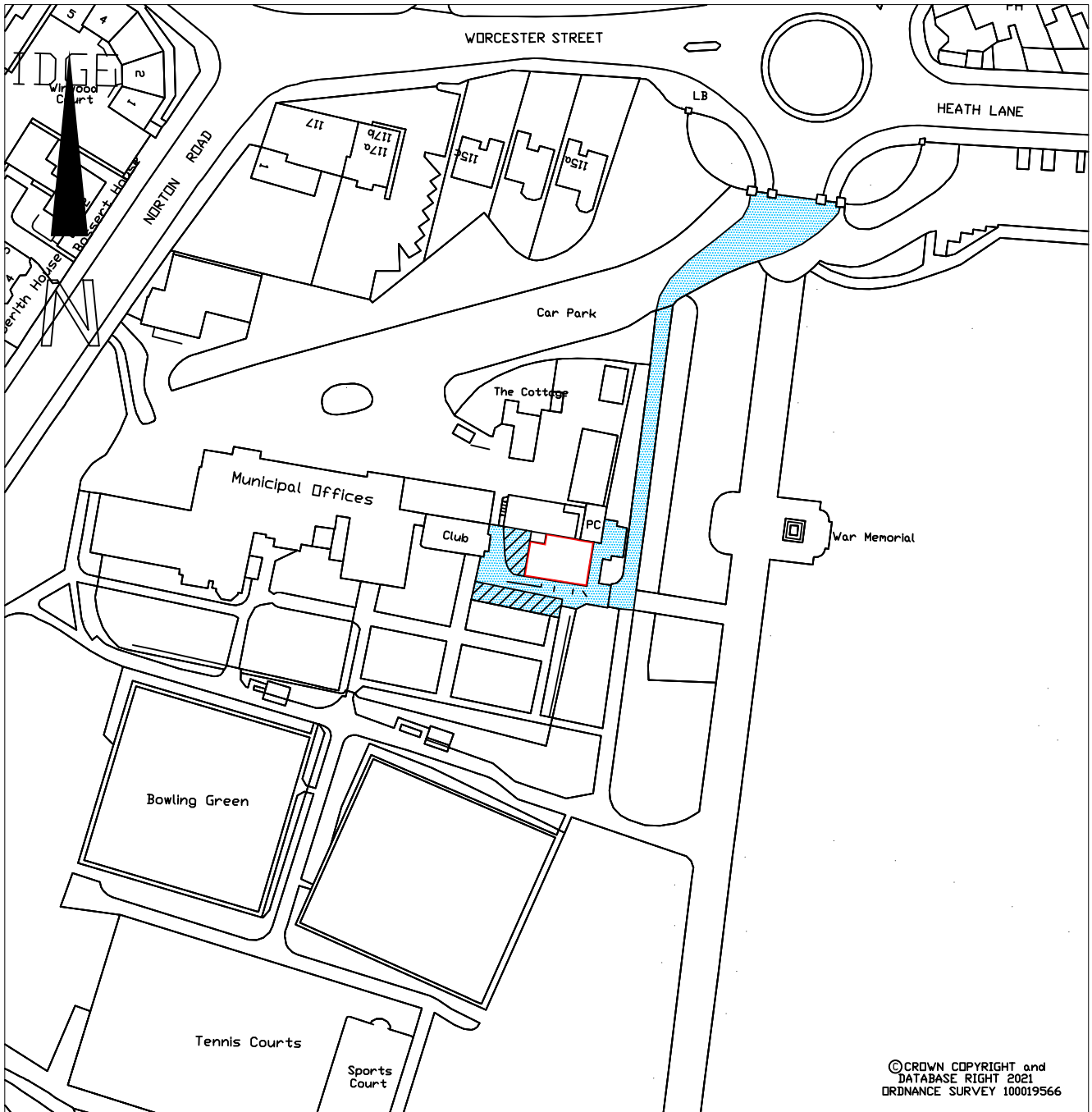
Helen Martin
Director of Regeneration and Enterprise

Contact Officer: Mark Bieganski
Telephone: 01384 816846
Email: Mark.Bieganski@dudley.gov.uk

List of Background Documents

Appendix 1 – Plan, Café lease Mary Stevens Park





AREA EDGED RED 110 SQ.M. APPROX
 AREA SHADED BLUE RIGHT OF ACCESS
 AREAS HATCHED OUTDOOR SEATING

Traffic, Transportation & Engineering
 4 Ednam Road,
 Dudley
 DY1 1HL



PUBLIC REALM

Project Title
 Café, MARY STEVENS PARK
 HEATH LANE, STOURBRIDGE

Drawing No.
 XVDD10805

Drawn By SF

Checked By DJB

Revision No.

Date 11/01/22

Scale 1:1250@A4