

## **Minutes of the Ernest Stevens Trusts Management Committee**

Monday, 18th April, 2016 at 6.00 p.m.  
In Committee Room 2, the Council House, Dudley

### **Present**

Councillor J Cowell (Chair)  
Councillor M Hanif (Vice-Chair)  
Councillors S Clark, I Kettle, G Partridge and H Rogers

### **Officers**

M Farooq (Lead for Law and Governance), M Wilcox (Principal Lawyer),  
S Griffiths (Democratic Services Manager), J Croft (Finance Manager),  
L Stuffins (Green Space Team Leader), G Dean (Head of Street and Green  
Care) and M Cox (Team Manager – Valuation and Transactional Services).

9 Members of the public

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### 20 **Declarations of Interest**

Councillor H Rogers – Non-pecuniary interest as Chair of the Friends Group for Mary Stevens Park and Swinford Common. Also in relation to her involvement with the Project Implementation Team - Heritage Lottery Bid for Mary Stevens Park and attendance at stakeholder meetings.

Councillor J Cowell – Non-pecuniary interest in the reference to the White House and improvements in Quarry Bank Park only insofar as it related to her capacity as a ward Councillor.

Councillors J Cowell and M Hanif – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

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### 21 **Minutes**

In relation to Minute No. 16(3), a Member indicated that the registered documents had been inspected and these included a plan of Wollescote Park.

### **Resolved**

That, the minutes of the meeting held on 4th February, 2016, be approved as a correct record and signed.

**Sedgley Beacon**

A report of the Strategic Director Place was submitted on the proposal to bid for funding from the Heritage Lottery fund to improve Sedgley Beacon, the main heritage structure the Beacon Tower and its natural features.

The Committee noted that the Wildlife Trust was undertaking a number of consultation exercises to assess public opinion prior to a submission being made to the Heritage Lottery Fund. Members would be provided with updates in due course. Reference was also made to the importance of making a distinction between the role of the landowners involved in the partnership and the Trustees in relation to this project.

**Resolved**

- (1) That approval be given to the proposed bid for Heritage Lottery Funding for the purpose of improving Sedgley Beacon, the main heritage structure the Beacon Tower and its natural features.
- (2) That the Strategic Director Place be requested to provide progress updates as referred to above.

**Stevens Park, Quarry Bank**

The Committee considered a report of the Strategic Director Place on the proposal to bid for funding from the Heritage Lottery fund to improve the Park building and restore some of the main heritage structures.

Officers undertook to supply Members with a location plan to highlight the proposals referred to in the report. Members expressed concerns regarding any proposed future leasing arrangements and the potential for asset transfers. In particular, reference was made to the sustainability of any arrangements involving a voluntary organisation taking on maintenance responsibility from the Council. A Member queried the legal implications of any such arrangements, which might involve a change in the Deed of Gift and as such would fall outside the terms of reference of this Committee. Any proposals to remove or transfer maintenance obligations from the Council might also create a precedent for other land and properties held in trust by Dudley MBC.

The Principal Lawyer indicated that further consideration would need to be given to these issues taking account of the consultation prior to approaching the Charity Commission with any specific proposals. A further concern was expressed that the public consultation had not referred to the Deed of Gift and the restrictions this placed on the Council as Trustee, particularly with regard to any proposal to remove maintenance responsibilities from the Council.

The Committee was generally supportive of initiatives to improve the park and its facilities in partnership with the Friends Group. It was acknowledged, however, that further work was required on the specific implications and details as referred to above.

### **Resolved**

- (1) That the report on the aspirations of the Friends of Stevens Park, Quarry Bank to improve facilities at the Park be noted and the proposal to bid for Heritage Lottery Funding be approved subject to the comments of the Committee as referred to above.
- (2) That the proposal to develop a partnership with a voluntary sector body to improve the use of the park building and put the appropriate arrangements in place to make the partnership flourish be noted.
- (3) That Officers undertake further work on the options for consideration by the Committee, including a potential lease arrangement for the building or asset transfer subject to any necessary further consultation and an application to the Charity Commission and that a further report be submitted to the Committee in due course.

### **Bowling Green and Croquet Maintenance**

The Committee considered a report of the Strategic Director Place on the challenges facing the management and maintenance of bowling greens and croquet lawns, arising from the reduction in grounds maintenance funding in the Council's Medium Term Financial Strategy and to consider the options that were available moving forward.

Officers requested that the Committee give initial consideration to the options to be the subject of further consultation and discussion with the Charity Commission and pending a report to a future meeting of this Committee.

The Committee undertook a lengthy discussion on this report, including the legal implications of asset transfer or leasing arrangements; the provision of discretionary rate relief to voluntary organisations; legal safeguards to secure the return of assets in the future; the possibility of external contractors being engaged to reduce maintenance costs and the possibility of inter-directorate charges for the use of buildings for office accommodation. Concerns were again raised about the role of the Council as Trustee and the need to adhere fully to the Deeds of Gift, which caused a conflict of interest in the context of the financial pressures being experienced by the local authority. In particular, it was stated that the Council had an over-riding obligation and responsibility to maintain the Trust land and property in accordance with the terms of the Deeds of Gift. A concern was expressed by a Member regarding the use of the term 'subsidy', which should not be used in the context of meeting the Council's responsibilities and obligations under the terms of the Trust documents.

The Committee acknowledged the importance of the Deeds of Gift, however, Members considered that all options should be explored for further consultation and discussion with the Charity Commission. A view was expressed that, in order to move forward, recommendation 35 should be deleted from the report as the Committee did not support the principle of transferring management and control of some areas of the parks to third parties.

**Resolved**

- (1) That the Committee note the aspirations of the voluntary sector partners who have a strong desire to improve facilities at the parks.
- (2) That the Committee support exploring and developing partnership arrangements with the clubs who play on the greens and support improving the current financial position by seeking to reduce or eliminate the current Council subsidies which deliver bowling and croquet greens.
- (3) That the Officers submit a report to a future meeting of the Committee on the consultation process, the provisions of the Deeds of Gift and proposals to seek any necessary scheme/consent of the Charity Commission in line with legal requirements.

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25 **Request for Extension of Lease to Mary Stevens Hospice**

The Team Manager Valuation and Transaction Services reported verbally on the request for the extension of the Lease to Mary Stevens Hospice. A further report would be submitted to a future meeting.

**Resolved**

That the current position concerning the request for the extension of the lease to Mary Stevens Hospice be noted.

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26 **Proposed Response to the Charity Commission**

Further to Minute No. 17 of the meeting of the Committee held on 4<sup>th</sup> February, 2016, the Lead for Law and Governance reported on a proposed response to the Charity Commission which had been circulate to Members by e-mail prior to the Meeting. The comments submitted by a Member of the Committee were acknowledged.

**Resolved**

- (1) That the proposed response to the Charity Commission be approved.
- (2) That the Lead for Law and Governance forward the response as drafted, together with the additional financial information, to the Charity Commission

The meeting ended at 8.20pm

CHAIR

EST/18