

**Ernest Stevens Trust Management Committee - 13th February 2017**

**Report of the Strategic Director - PLACE**

**Bowling Green and Sunday Play Consultation – Mary Stevens Park, Norton, Stevens Park, Quarry Bank, Stevens Park, Wollescote and Homer Hill Park, Halesowen.**

**Purpose of Report**

1. The purpose of this report is to update the Trust Management Committee on the results of the consultation on the two issues of Sunday/Good Friday play on Trust Parks and the proposal to explore leasing arrangements for bowling/ croquet provision in Parks.

**Background**

2. The Ernest Stevens Trust received a report in October 2016 about the proposal to consult with residents around the Trust Parks. This consultation was to provide information for the beneficiaries of the Deed of Gift, about the current restrictions on playing ball games on Sundays and Good Fridays, and the proposal for leasing of land to sports clubs.
3. A decision was reached that a public consultation would be necessary in order to establish how the users and beneficiaries of the Park felt about the proposals.
4. An on line questionnaire was developed and promoted as widely as possible across the Dudley Borough. A number of questionnaires were also made available in local libraries. The on line consultation was also promoted through the Community Forums meeting in November 2016, posters were placed in noticeboards on the parks and in other community buildings and an advert was placed in the press.
5. We received 881 responses to the consultation with the majority of the respondents in favour of playing games on Sundays and Good Fridays and the majority also in favour of leasing the greens to a bowling/ croquet club in order to maintain the green in a cost effective manner. The results are as follows: -

	Yes	No
Q1 Do you agree that the public should be allowed to play ball games on Sundays and Good Fridays at the 3 Ernest Stevens parks and Homer Hill Park?	88%	12%
Q 2 Do you agree the bowling greens and croquet lawn should be leased to the clubs or organisations that use them?	86%	14%

6. As a result of this positive feedback from the public who are the beneficiaries of the Deed of Gift it is proposed, that the Charity Commission are written to and provided with details of the survey, details of the proposed heads of terms of the proposed leases and requested that a Scheme be granted in respect of them, much like the scheme that was granted for the 70 year lease agreement with the Mary Stevens Hospice. An application will also need to be made to the Charity Commission for a Scheme to allow the playing of ball games on a Sunday and Good Fridays.
7. It is considered not necessary to apply for a Scheme in respect of the playing of ball games at Homer Hill Park owing to the fact that organised ball games have been played at this park on a Sunday for many years and the Council, as Trustee, has no record of enforcement proceedings.

### **Finance**

8. Like most public sector organisations, the future delivery of a number of services will be dependent on the voluntary sector. This is reflected within the Community Council agenda. The Medium Term Financial Strategy will be very difficult to implement if the Authority cannot engage successfully with other partners. Services could be lost completely if these partnerships are not developed quickly.
9. The Medium Term Financial Strategy has identified £79,000 savings in relation to bowling greens (the difference between the cost of maintenance and the income generated) and has identified further savings related to improving income targets.
10. Failure to deliver these savings will compromise the Council's medium-term financial plan and impact on essential services.

### **Law**

11. 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. Section 117 (3)(d) provides that the Council, as Trustees, can grant a lease to any beneficiary otherwise than for the best rent that can reasonably be obtained and that is intended to enable the

demised premises to be occupied for the purposes, or any particular purpose of the charity.

### **Equality Impact**

12. Our parks and open spaces provide an essential environment for all sectors of the community to engage and prosper.

### **Recommendation**

13. To request Legal Services to consult the Charities Commission about the development of a "scheme" in order to lift the restriction regarding playing ball games on Sundays and Good Fridays and to remove the restriction about leasing land for bowling and croquet to clubs and societies for the benefit of the Parks, at Stevens Park Wollescote, Stevens Park Quarry Bank and Mary Stevens Park, Stourbridge.



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