
Ernest Stevens Trusts Management Committee – 17th July, 2017

Report of the Lead for Law and Governance

Terms of Reference of the Committee

Purpose of Report

1. To advise the Committee of its terms of reference as approved by the Council.

Background

2. The Council is the Trustee for the four Ernest Stevens Trusts. In previous years, the Ernest Stevens Trusts were combined under the delegated powers and terms of reference of the former Stourbridge Area Committee. The Area Committees were subsequently replaced by Community Forums in 2012/13.
3. The Council approved revised governance arrangements for the Ernest Stevens Trusts. The Council established a separate Management Committee to administer the affairs of the Ernest Stevens Trusts. This is effectively the position that existed before the former Area Committees were created. The governance arrangements are summarised below for background purposes.
4. Ernest Stevens made various donations of property, which were to be used for specified purposes. These have been identified as individual Trusts as detailed below:
 - i. Stevens Park, Quarry Bank
 - ii. Mary Stevens Park, Recreation Ground and Park, Norton
 - iii. Stevens Park and Recreation Ground Foundation, Wollescote
 - iv. Mary Stevens Maternity Home and Public Park Charity
5. Only the Stevens Park and Recreation Ground Foundation, Wollescote, has investments, which generate income for disbursement resulting from the decision to exchange the Hob Green Farm gifted in the original deed dated 29th September 1930 for Jordan Field and £88,500.
6. The original deed of gift was to the Urban District Council of Lye and Wollescote and was varied by a scheme dated 24th May 1966. This allows the net income of the Stevens Park and Recreation Ground Foundation to be applied in the following ways:
 - a) Maintenance of the Stevens Park and Recreation Ground Foundation property.
 - b) Acquiring property for the Stevens Park and Recreation Ground Foundation.
 - c) Maintenance of property in gifts dated:-

6th December 1929
13th February 1931

Mary Stevens Park
Mary Stevens Home and Public Park.

- d) The provision of facilities for recreation or other leisure time occupation, being facilities provided with the object of improving the conditions of life for persons resident in the Borough of Stourbridge (see paragraph 9).
- e) If the net income of the Trust cannot be applied in accordance with a)-d) above, it can be applied for other charitable purposes for the benefit of persons resident in the Borough of Stourbridge.
7. In 2001, the Charity Commission confirmed the opinion that because the Council uses its mainstream budget to maintain all the property in the trusts, it is permitted to give grants under paragraph (e) above.
8. In applying the money the Trustees shall give a preference to the area of the former Urban District of Lye and Wollescote and to meeting the needs of the people resident therein.
9. The Borough of Stourbridge relates to the boundaries in 1966, which currently covers the wards of Pedmore & Stourbridge East, Norton, Wollaston and Stourbridge Town, Lye and Stourbridge North and Cradley and Wollescote. Stevens Park, Quarry Bank is geographically located in the Quarry Bank and Dudley Wood ward.
10. To reflect the geographical areas covered by the Trusts, the Council has agreed that the Management Committee should comprise six elected members, one each from the six wards referred to in paragraph 9 above. The appointments made by the Council for the 2017/18 municipal year are as follows:-
- Cradley and Wollescote – Councillor G Partridge
Lye and Stourbridge North – Councillor V Wale
Norton – Councillor H Rogers (Vice-Chair)
Pedmore and Stourbridge East – Councillor I Kettle (Chair)
Quarry Bank and Dudley Wood – Councillor J Cowell
Wollaston and Stourbridge Town – Councillor A Hopwood
11. On 2nd December, 2013, the Council approved a report on the annual review of the Constitution. The report referred to the terms of reference for the Ernest Stevens Trusts Management Committee and it was approved that these would be extended to include all Trust land within the Borough. It was considered appropriate for this general power to be allocated to a 'non-executive' Committee. .
12. Attached, as Appendix 1, are the terms of reference as approved by the Council.

Finance

13. This Committee is responsible for the administration of the Trusts, including the financial affairs of the Trusts.

Law

14. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.

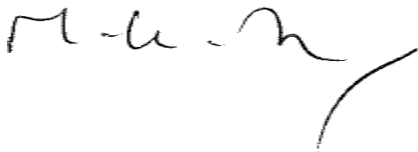
15. Section 139 of the Local Government Act, 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area.
16. The conditions under which a gift is to be administered are contained in the Deeds creating the Trusts, and any subsequent schemes made by the Charity Commission.
17. The law relating to Trusts, which are charitable, is contained in various Acts, the main ones being the Charities Acts 1992 and 2011 and the Trustee Investment Act, 1961.
18. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972. The rules on proportionality are contained in the Local Government and Housing Act 1989 and associated regulations.

Equality Impact

19. The Trusts were set up to benefit members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. There are no specific implications for children and young people arising from this report.

Recommendation

20. That the report be noted.



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Lead for Law and Governance

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List of Background Papers

Dudley MBC constitution

Ernest Stevens Trusts Management Committee

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.