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**Ernest Stevens Trust Management Committee – 13<sup>th</sup> February, 2017**

**Report of the Strategic Director Place**

**Proposed location of Frank Foley Statue**

**Purpose of Report**

1. To consider the location of the proposed bronze statue of the “British Schindler” Frank Foley, in Mary Stevens Park (or if need be, elsewhere in Stourbridge).

**Background**

2. Frank Foley, sometimes known as “the Spy who saved 10,000 Jewish people” or the “British Schindler”, spent his retirement years living quietly and anonymously at Eveson Road in Stourbridge, and his grave is in the nearby Cemetery. Since his death in 1958, and especially since the publication of a book by Michael Smith, recognition of his achievements has been steadily growing, and a tree was planted recently in his memory in Mary Stevens Park, also at the park entrance is a very fine large carved stone plaque that was sited in 2004 and unveiled by Rabbi Julia Neuberger with national press interest, on the 120<sup>th</sup> Anniversary of his birth. In 2016 the citizens of Dudley were honoured to be offered a unique “one off” Treasury grant of £40,000 towards a memorial statue of Frank Foley for his adopted home town - the grant was allocated directly by the former Chancellor, George Osborne in recognition of Foley’s national and international importance, and is held by Dudley Council.
3. Accordingly, the Council’s resident Public Artist has created sketch concepts for a bronze figure of Foley. Ian Austin MP, and Margot James MP, who have been key figures in the campaign for a Foley statue, feel that the statue should ideally be informal, a seated figure on a bench so that local people and visitors can sit beside him (rather like the popular figure of the Victorian poet Ben Boucher that was placed in Dudley Market Place in early 2016). An ideal site would therefore seem to be within Mary Stevens Park, not far from his former residence at Eveson Road or the Cemetery where he rests, for example on a suitably modified bench within the newly created “Tea Garden” - a location that would also provide good security for a valuable bronze statue, as it is fenced off at night.
4. On the other hand, some concerns have been expressed, at least in informal consultation with representation from the Park Friends, that to place the statue within the park, when seen in conjunction with the other tributes of tree and plaque, might possibly be seen to eclipse the work of Ernest Stevens himself, who gave the park and building to the people of Stourbridge in memory of his wife. The statue suggestion has not however as yet been placed formally before the Park Friends group, as the importance of the matter seemed in the first place to call for guidance from the Stevens Trust.

5. The Members of the Ernest Stevens Trust are therefore asked to consider whether they would be happy to see the statue sited within the Park, and if found acceptable, to approve the suggested site in the Tea Garden to be put forward to the Friends Group with their recommendation; or if not thought appropriate, to suggest other sites in Stourbridge.

## Finance

6. The Committee is responsible for the administration of all the Stevens Trusts, including the financial affairs of the Trusts. The specific statue project has an overall fund of £40,000 (plus any vat, as this can be reclaimed by the Council) - this grant fund will be enough to complete the designs (including a 3d model), and also to make a full size version in clay and cast it in bronze, and to design and create the fixings and foundations, and to install the statue on site, and also to administer the commission throughout. The Treasury has asked to see copies of Accounts at the end of the project, and that the source of the grant (from Libor fines held by the Treasury) is to be acknowledged in the publicity; they do not set any requirement for a timetable or ask to approve designs, although it would seem logical to complete the project by or during 2018, the 60<sup>th</sup> anniversary year since Foley's death.

## Law

7. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
8. 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.
9. The conditions under which a gift is to be administered are contained in the Deeds creating the Trusts, such as the **Stevens Trust**, and any subsequent schemes made by the Charity Commission. With particular reference to the **Stevens Trust** the **provision for memorials** is contained within item no. 2 of the second schedule which reads: "no buildings shall be used or erected on the said land hereby assured *other than* those necessary for supervision and for the layout of the land as a Park and Recreation Ground and/or for the use of the Public in visiting the Park and using the Recreation Ground or a free public reading room, free library, picture gallery, public baths, public offices, public hall, or any **public memorial** or any or all of them..."
10. 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.
11. 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.
12. Planning and Development Services will need to approve the final location for the statue.

## **Equality Impact**

13. The Stevens Trusts were set up to generally benefit all members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. The statue project could certainly be seen as of great public benefit to the area around Mary Stevens Park and Stourbridge Town Centre. There are no specific sensitive implications for children and young adults arising from this report, apart from the obvious benefit of helping to teach them about the history of the Holocaust and the important role of Foley as a local hero.

## **Recommendation**

14. That the Committee consider in discussion whether they would like to see the statue located within Mary Stevens Park, in particular within the Tea Garden area, and if thought acceptable, to put forward their thoughts regarding the suitability of this site, for further consideration by the Mary Stevens Park Friends Group.
15. If the site is not thought suitable, the Committee's views are requested on possible alternative sites within the Town Centre, for further consideration by the Commission organisers.



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**Alan Lunt**  
**Strategic Director Place**

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## **List of Background Papers**

- (i) Sketches for bronze Foley statue on park bench; and standing at gate
- (ii) Existing Foley stone plaque; and memorial tree
- (iii) Existing statue of Poet on bench in Dudley
- (iv) Letters of Support from **Ian Austin MP** and **Margot James MP** with respect to the statue project and their preferred choice of site, in the Park (to be tabled at meeting).