
Meeting of the Ernest Stevens Trust Management Committee
- 30th January 2023

Report of the Director of Regeneration and Enterprise

Mary Stevens Hospice, Hagley Road, Stourbridge – Lease Terms

Purpose

1. To inform the Management Trust Committee, in respect of the Mary Stevens Hospice on Hagley Road and the terms of their lease.

Recommendations

2. It is recommended that:-
 - The Ernest Stevens Trust Management Committee note the content of the report.

Background

3. This report arose from a request made at the October 2022 meeting of this committee to advise the committee on the current occupiers and their basis of occupation.
4. The building known as Mary Stevens Hospice, is constructed on land let by the council from 6 February 2018. This land together with the Mary Stevens Centre and park adjacent was gifted to the Borough of Stourbridge on 13th February 1931 for the purposes of maternity home, convalescent home or a hospital, child's welfare centre or any other purpose which have for its object the benefit advancement and welfare of the people of Stourbridge and district so long as the

performance of such benefit will not be a breach of any of the conditions contained in the Deed of Gift.

5. The Charities Act 2011 states that:-
Section 117 no land is to be conveyed, transferred or leases or otherwise disposed of without an order of the Court or Commission and:-
Section 119 that the charity trustees must before entering into any agreement for agreement to dispose must obtain a written report on the proposed disposition from a qualified surveyor acting exclusively for the charity, advertise the proposed disposition, decide that they are satisfied having considered the surveyor's report that the terms on which the disposition proposed to be made, are the best that can be obtained for the Charity.
Section 120 where the granting of a lease of less than 7 years, (1) the Trustees should obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the Trustees to have the ability and practical experience to provide to them with competent advice on the proposed disposition. (2) decide that they are satisfied, having considered the person's advice that they are the best that can be reasonably obtained for the Charity. Legal Services on behalf of the Trust would need to apply to the Charity Commission for a scheme to permit the grant of the lease.
6. There are changes pending in respect of the legislation that may reduce the requirements in respect of the qualified surveyor and advertisement process.
7. The Trust has evidence of the fact that it has undertaken the legislation process and has received Schemes from the Charity Commission in respect of dispositions in respect of the various Deeds of Gift but the Trustees should consider the guidance received from the Charity Commission that are attached to this report before making a decision.
8. Mary Stevens Hospice (MSH) is a convalescent home providing care of patients and patients with family from counties of West Midlands, Staffordshire, Shropshire and Worcestershire with progressive incurable life shortening illnesses and support for their families. The home itself provides a 10 bed in patient unit and a day services unit, offering modern facilities in a warm friendly comforting environment and the services are available to adults aged 18 and

over who need palliative, respite or end of life care. The care is free of charge to all who need it. Funding of the service is through annual government funding (20%) and donations and other support (80%)

9. The lease is a public record and available to all through making an application to the Land Registry. The lease to Mary Stevens Hospice was authorised by the Ernest Stevens Trust Committee at its meeting of 13 July 2016 – minute no 5.
10. The terms of occupation are a lease for 75 years from 6 February 2018 to 5 February 2093, at a rent of £39,100 pa subject to review every 5 years. The extent of the property is per the appendix 1 lease plan
11. The tenant pays a rental of a peppercorn on the basis the agreed outcomes are delivered. The outcomes will be monitored on an annual basis. The outcomes are shown in appendix 2 lease outcomes. These outcomes are able to be reviewed annually
12. The tenant is to repair the property both internally and externally, and must not alter or make structural changes to the property without the landlord's consent
13. The hospice shares its access with the park and Mary Stevens Centre.
14. A service charge is applicable to the repair of common services and areas, the hospice paying a fair proportion calculated by reference to the rateable value of the hospice, the Mary Stevens centre and any building or property erected in the future
15. In October 2021 the hospice presented to this committee on the work they do and advised the occupancy rate for the first quarter 2021 had been 80% and the average occupancy rate is 75%.
16. The tenant has the right to quiet enjoyment of the premises without interruption or disturbance by the landlord. As Landlord the council (and by definition this includes the trust committee members as well as officers) have the right to challenge the evidence which sits behind the statement of outcomes and outputs, and a right to enter the property on giving reasonable notice to inspect its state and condition, or where necessary to undertake works on the council's

adjoining property. The council as landlord does not retain a right to inspect the services being provided at the hospice, such is retained by the service governing body.

Finance

17. The current tenancy arrangements mean no income is received by the Ernest Stevens Trust Committee although there is a contribution towards costs.

Law

18. The Deed of Gift dated 13th February 1931 made between Ernest Stevens Esq and The Borough of Stourbridge contains a number of conditions that are referred to above in this report, of which should be considered. Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 gives power to authorise dealings with charity property.

Risk Management

19. There are no material risks to the Council presented by this project. The risks associated with the development of the centre to provide additional space for convalescent care would sit with Mary Stevens Hospice.

Equality Impact

20. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.

Human Resources/Organisational Development

21. There are no HR/OD implications arising from this report

Commercial/Procurement

22. There are no Commercial / Procurement implications arising from this report

Environment/Climate Change

23. There is no impact on the environment/climate change as its simply a position statement on a lease to a third party.

Council Priorities

24. This proposal has a direct link into the Dudley Council Plan 2022-2025, specifically: **Dudley the Borough of Ambition and Enterprise.**



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List of Background Papers

Appendices

Appendix 1 lease plan,
Appendix 2 lease outputs.