

Minutes of the Ernest Stevens Trusts Management Committee

Tuesday 24th October, 2017 at 6.00 p.m.
in Committee Room 3, The Council House, Dudley

Present

Councillor I Kettle (Chair)
Councillor H Rogers (Vice-Chair)
Councillors J Cowell, A Hopwood and V Wale

Co-opted Members

C Lees (Friends of Wollescote Park)
D Lewis (Friends of Mary Stevens Park)
M Sparks (Friends of Stevens Park, Quarry Bank)

Officers

M Farooq (Lead for Law and Governance), M Wilcox (Principal Lawyer),
J Croft (Finance Manager), T Webb (Principal Property Surveyor) and H Shepherd
(Democratic Services Officer).

Also in attendance

M Williams (Chief Officer Environmental Services), G Dean (Head of Street and
Green Care) and four members of public.

11 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor G Partridge.

12 **Declarations of Interest**

Councillor V Wale declared a non-pecuniary interest as her sister was employed at Mary Stevens Hospice.

Councillor H Rogers declared a 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.

13 **Minutes**

Resolved

That, the minutes of the meeting held on 17th July, 2017, be approved as a correct record and signed.

14 **Change in order of business**

Pursuant to Council Procedure Rule 13(c) it was:-

Resolved

That the order of business be varied and that the agenda items be considered in the order set out in the minutes below.

15 **Mary Stevens Centre – Request to Grant a further room to Mary Stevens Hospice**

A report of the Strategic Director Place was submitted in respect of a request to grant Mary Stevens Hospice temporary occupation of room G41 at Mary Stevens Centre for the duration of the refurbishment and extension works by way of a lease.

Arising from the presentation of the report, Members commented that copies of leases were never provided to the Committee, and it was considered important that as trustees, who are responsible for the administration of the charity, that they had sight of draft leases prior to agreement.

The Lead for Law and Governance advised that the negotiation of the terms and conditions for leases had historically been delegated to officers to avoid a delay in the process, but suggested that the final version of the lease could be circulated to Members upon completion.

Resolved

- (1) That, the lease of an additional room, namely G41, at Mary Stevens Hospice for the duration of their existing lease on terms and conditions to be negotiated and agreed by the Strategic Director Place, be approved.
- (2) That a final copy of the completed and signed lease be circulated to all Committee Members via email and a paper copy made available at the next appropriate meeting of the Committee.

Mary Stevens Centre – Leases to Dudley MIND and Beacon Centre for the Blind

The Committee considered a report of the Strategic Director Place on the request to grant leases to the occupiers at Mary Stevens Centre.

Arising from the presentation of the report and in response to a question raised by the Chair, the Principal Property Surveyor provided Members with a breakdown of the proposed accommodation charges, which had been calculated on a yearly average and would be pro-rotta to the floor space occupied.

In response to a further question, the Principal Property Surveyor confirmed that she had met with representatives of Dudley MIND and Beacon Centre for the Blind to discuss the proposed lease and accommodation charges and both parties were happy to proceed with the proposals.

Members expressed concern with regards to the Council applying accommodation charges to cover a contribution for repairs to the building, as this was contrary to the covenants of the deed of gift for the property. The Lead for Law and Governance advised that within the Charity Commissioners scheme it did allow costs to be recovered when it was in relation to a third party lease and they had also previously consented to terms and conditions being applied.

Members continued to be unhappy with the proposals, particularly as it was considered that the Council benefited from the use of the buildings as office accommodation for employees and was concerned that not adhering to the covenants eroded the principle of the deed of gift. The Council's current financial pressures were however recognised, as well as the need to be forward thinking to ensure the buildings did not de-generate.

In referring to paragraph 8 of the report submitted, the Principal Property Surveyor clarified that in return of the offer of a peppercorn rent, both parties would be asked to agree outcomes that would be of benefit to the Council and the community.

The Chair requested that when considering future reports of the same nature, additional content be included to alleviate some of the queries and issues raised. The Chair also requested that a copy of the breakdown of costs at Mary Stevens Centre be circulated to Members of the Committee following the meeting, together with a copy of the final completed lease once signed.

Resolved

- (1) That, the lease at Mary Stevens Centre to Dudley MIND and Beacon Centre for the Blind, on terms and conditions to be negotiated and agreed by the Strategic Director Place, be approved.
- (2) A copy of the breakdown costs at Mary Stevens Centre be circulated to Members of the Committee.

- (3) A final copy of the completed and signed lease be circulated to all Committee Members via email and a paper copy made available at the next appropriate meeting of the Committee.
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18 **Ernest Stevens Trusts – Final Accounts**

A report of the Chief Officer Finance and Legal Services was submitted seeking approval to the accounts of the individual Trusts comprising the Ernest Stevens Bequests.

Following the presentation of the report and in response to a query raised by the Chair, the Finance Manager provided clarification with regard to sundry debtors referred to in the Stevens Park and Recreation Ground Foundation trust balance sheet, advising that this referred to monies that were owed to the trust, but which had not been received by the end of the financial year.

A Member questioned the reason as to why Swinford Common was incorporated into the accounts, as this was a charity in its own right and was not associated with Ernest Stevens. The Finance Manager confirmed that Swinford Common accounts had historically been included, but undertook to investigate the reasons for this.

The Finance Manager informed the Committee that a review of how the accounts were constructed was to commence, which would involve looking at other Ernest Stevens Trusts charities which have only a balance sheet; overall costings; rental costs; as well as building and maintenance costs. A matrix of all leases and land was to be created which would help to take the accounts forward and an update on the review would be submitted to the next meeting of the Committee.

In response to a question raised by a Member in relation to unused funds remaining from the Stevens Park and Recreation Ground Foundation Trust, the Finance Manager confirmed that any surplus monies would continue to be held within the accounts and carried forward to the next financial year.

Resolved

- (1) That the accounts of the Trusts, on behalf of the Council in its capacity as Trustees, be approved.
 - (2) That the Chair be authorised to sign the accounts.
 - (3) An update on the review of the accounts and development of a lease and land matrix be submitted to the next meeting of the Committee.
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Public Forum

The Secretary of Crystal Bowls Club was in attendance at the meeting, together with three members of the public in respect of leasing arrangements for Wollescote bowling green and the issue of playing ball games on Sundays.

The Secretary referred to a letter that had been hand delivered to all Members that summarised the clubs current position; what the club had achieved since being in operation and highlighted the improvements that had been made to facilities as it was believed that these issues had not been reported sufficiently. He also expressed his disappointment that after two years of consultation and deliberation by Dudley MBC, the club was still uncertain as to the arrangements that were to be implemented and requested that the trustees endorsed the matters contained within the letter, in particular that Dudley MBC continued to maintain the bowling green and that the prohibition of ball games on Sundays was not removed.

The Chair reassured those present that the situation with the lease of bowling green's had not been forgotten and extensive work had been undertaken during the Summer months to try to determine an outcome suitable for all parties, with a further meeting scheduled to take place next week.

The Friends of Mary Stevens Park Co-Opted Member informed the Committee that the Mary Stevens Park Friends Group was looking to improve the playground facilities at the park and was enquiring whether the Committee would be able to provide any support. The Chair recommended that the Friends Group submitted a request to the Lead Officer of the Committee or the Clerk for consideration to be given for this matter to be included on a future agenda.

The meeting ended at 6.55pm

CHAIR