

## **Ernest Stevens Trusts Management Committee**


**Monday 18<sup>th</sup> April, 2016 at 6.00pm**

**In Committee Room 2 at the Council House, Priory Road, Dudley**

### **Agenda - Public Session**

**(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting on 4<sup>th</sup> February, 2016 as a correct record.
5. Sedgley Beacon.
6. Stevens Park Quarry Bank.
7. Bowling Green and Croquet Maintenance.
8. Request for Extension of Lease to Mary Stevens Hospice (Verbal Update).
9. Proposed response to Charity Commission (Verbal Update).
10. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director Resources and Transformation (Council Procedure Rule 11.8).



**Strategic Director Resources and Transformation**

**Dated: 8<sup>th</sup> April, 2016**

## **Distribution:**

### **Members of the Committee:**

Councillor J Cowell (Chair) - Quarry Bank and Dudley Wood Ward  
Councillor M Hanif (Vice-Chair) - Lye and Stourbridge North Ward  
Councillor I Kettle - Pedmore and Stourbridge East Ward  
Councillor S Clark - Wollaston and Stourbridge Town Ward  
Councillor G Partridge - Cradley and Wollescote Ward  
Councillor H Rogers - Norton Ward

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- Elected Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- Contact Democratic Services by Telephone 01384 815235 or E-mail [Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)

## **Minutes of the Ernest Stevens Trusts Management Committee**

Thursday, 4<sup>th</sup> February, 2016 at 6.00 p.m.  
In Committee Room 2, the Council House, Dudley

### **Present**

Councillor J Cowell (Chair)  
Councillor M Hanif (Vice-Chair)  
Councillors S Clark, I Kettle, G Partridge and H Rogers

### **Officers**

M Farooq (Head of Law and Governance), M Wilcox (Principal Lawyer),  
S Griffiths (Democratic Services Manager), J Croft (Finance Manager)  
and L Stuffins (Green Space Team Leader)

### **Observer**

Councillor P Harley

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### 13 **Declarations of Interest**

Councillor H Rogers – 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.

Councillors J Cowell and M Hanif – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

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### 14 **Minutes**

In relation to Minute No. 9, further reference was made to the clarification of the point concerning the staff car parking situation, which had an impact on members of the public using Mary Stevens Park. The Head of Law and Governance clarified that the Charity Commission had acknowledged the public concerns in an e-mail dated 17<sup>th</sup> August, 2015.

A Member queried whether the accounts referred to in Minute No. 12 had been sent to the Charity Commission. The Finance Manager undertook to check this point with colleagues and ensure that the necessary action was taken in connection with the final accounts.

## **Resolved**

That, subject to the above points, the minutes of the meeting held on 26<sup>th</sup> October, 2015, be approved as a correct record and signed.

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### 15 **Change in Order of Business**

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

#### **Resolved**

That the remaining items of business be considered in the following order:-

Agenda Items 6, 5, 7, 8 and 9.

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### 16 **Ball Games and Sale/Consumption of Intoxicating Drinks**

A report of the Strategic Director Resources and Transformation was submitted on the legal advice received from specialist charity solicitors on the various Deeds of Gift, which contained restrictions as to their use and in particular a restriction on the playing of ball games on a Sunday and in some cases Good Friday or other bank holidays, as well as a restriction on the sale and consumption of alcohol on the premises.

The Committee was invited to consider options available regarding the possible enforcement, amendment or removal of the restrictions and/or the potential courses of action and any legal implications concerning the restrictions in the light of the Deeds of Gift. The options included taking no further action; pursuing action to allow a relaxation of the covenant(s) and/or obtaining restrictive covenant indemnity insurance.

The legal advice suggested that if the Council wished to approach the Charity Commission to ask whether the Commission would consider a Scheme amending each of the governing documents, the Commission would only consider amendments if the Council had exhausted other options and the Commission was convinced that there would be no untoward consequences, such as objections from the public.

Members expressed differing views concerning the restrictions on ball games. A view was expressed that the restrictions should remain unaltered and that action should be taken to tighten the restrictions on the playing of ball games. Another view was that the Council should take a more pragmatic approach and consider approaching the Charity Commission to relax the restriction on ball games subject to the outcome of public consultation. All Members were of the opinion that the restrictions on the sale/consumption of intoxicating drinks should remain in force.

Following a discussion, officers were requested to make further information available to the Committee, particularly the Deeds of Gift and the plans referred to at the meeting. An invitation was extended for Members to attend the offices of Legal Services to inspect the appropriate documents prior to further consideration of this issue.

### **Resolved**

- (1) That the report be noted.
- (2) That the Committee confirm that the existing restrictions on the sale/consumption of intoxicating drinks should remain in force and that no further action be taken on this issue.
- (3) That consideration of the restrictions on ball games be deferred to a future meeting to enable more information to be made available to the Committee, particularly the Deeds of Gift and the plans referred to at the meeting.

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## 17 **Composition of the Committee**

The Committee considered a report of the Strategic Director Resources and Transformation on correspondence received from the Charity Commission in relation to the composition of the Committee.

The Head of Law and Governance advised the Committee of the contents of an email received from the Charity Commission dated 17<sup>th</sup> August, 2015, with particular reference to the use of the buildings at Mary Stevens Park as 'public offices' and concerns raised by the Charity Commission about the independent decision making process of this Committee.

A view was expressed that the use of the buildings for office accommodation had only recently become an issue due to the car parking problems associated with the Council's corporate transforming our workplace project. This had involved the move of additional staff to the offices in Mary Stevens Park, with a detrimental effect on members of the public using the park and its facilities. It was noted that in order to resolve the concerns in relation to the car parking problems, 91 members of staff had been moved to alternative accommodation. The Committee was advised that the Council's definition of the use of the buildings as 'public offices' differed from the view now being expressed by the Charity Commission. The buildings had been used as staff office accommodation for many years, however, it was noted that the Council was currently reviewing the use of all buildings in view of the financial climate, and this may also lead to a further reduction in staff based at Mary Stevens Park.

Whilst raising no objections in principle to the possibility of appointing co-opted Members, the Committee questioned the view of the Charity Commission concerning the independence of decision making. Although the Committee comprised elected Members, there was a clear distinction between the general role of Councillors and the obligations of elected Members who served on this Committee to administer the affairs of the Charity under the terms of the various governing documents. The Committee's agenda papers were published on the Internet; the business was conducted in public session, and the minutes were reported to meetings of the Council in an open and transparent way.

The Head of Law and Governance undertook to communicate these views to the Charity Commission along with the possible appointment of non-elected, non-voting co-opted members, prior to any further specialist legal advice being obtained.

### **Resolved**

- (1) That the report on the composition of the Committee, the observations of the Charity Commission and the potential appointment of non-elected, non-voting co-opted members be noted.
- (2) That the Head of Law and Governance communicate the views of the Committee to the Charity Commission and that the response of the Commission be reported to a future meeting prior to any further action being taken concerning independent specialist legal advice or changes to the composition of the Committee.

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## 18 **Stevens Park and Recreation Ground Foundation Trust**

The Committee considered a report of the Chief Officer Finance and Legal Services on an application received from Wollescote Park Sons of Rest for grant funding from Stevens Park and Recreation Ground Foundation Trust.

Officers were asked to clarify, in future reports, that Stevens Park, Quarry Bank was not included in the Stevens Park and Recreation Ground Foundation Trust.

### **Resolved**

That, the application for a grant on behalf of the Wollescote Park Sons of Rest in the sum of £2,900, be approved.

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## 18 **Summary of Deeds of Gift (Mary Stevens Maternity Home and Public Park, Oldswinford; Mary Stevens Park, Heath Lane, Stourbridge; Wollescote Hall, Wollescote, Stourbridge and The Tintern House, Stevens Park, Quarry Bank)**

Members of the Committee received an information pack in relation to the above documents. Members were asked to contact the Principal Lawyer on any points of clarification.

Reference was made to recent events and developments in the parks, which had not been reported to Members of this Committee. The Chair noted the comments and indicated that she had discussed the remit of the Committee with Officers. It was acknowledged that whilst most operational matters did not require a report to the Committee, a process could be adopted in the future to update members on items affecting the Trusts and relevant parks management issues.

The Chair indicated that Members of the public could raise any issues of concern with Ward Councillors, Community Forums or with Council Officers direct. The entitlement of members of the public to speak at this Committee was at the discretion of the Chair.

The meeting ended at 7.45pm

CHAIR

**Ernest Stevens Trusts Management Committee - 18<sup>th</sup> April 2016**

**Report of the Strategic Director Place**

**Sedgley Beacon**

**Purpose of Report**

1. The purpose of this report is to update the Trust on the proposal to bid for funding from the Heritage Lottery fund to improve Sedgley Beacon, its main heritage structure the Beacon Tower, and its natural features.

**Sedgley Beacon**

2. The Friends of Sedgley Beacon, worked with the Council in 2012 to develop a Management plan for the site. The group have since been working with the Wildlife Trust for Birmingham and the Black Country for three years now, trying to find external funding for nature conservation projects and have been reasonably successful in gaining grant funding from Nature Improvement Area grants, which were administered by the Wildlife Trust.
3. The Friends are very keen to improve the Tower on the Beacon, which is an iconic structure, known throughout the area. The area around the Tower also needs significant improvements, as the land is in a very poor and run down state, this tends to increase vandalism and anti-social behaviour on the site.
4. A partnership of landowners has been developed with Dudley Council and South Staffs Water being the main landowners, plus the interested voluntary sector partners, The Friends group and the Wildlife Trust. This partnership has agreed a way forward, which would be to bid for a large sum of funding to develop work on the site and achieve the objectives of the management plan.
5. The Council has had considerable success with Heritage Lottery Projects at Priory Park, Mary Stevens Park, The Leasowes and Wrens Nest Nature reserve. This bid will be developed by the Wildlife Trust with the Council becoming the accountable body, being the main landowner for the site.
6. Match funding will be sought from a number of different sources. South Staffs Water will commit some funding as will the Wildlife Trust. Other funding sources have yet to be found, but there will be more opportunities for the voluntary sector than there are for the Council, who have no resources available to contribute towards this project.

7. The Wildlife Trust are carrying out a number of consultation exercises to gauge public opinion on the project before it is submitted to the Heritage Lottery Fund.

### **Finance**

8. The Friends of the Beacon and the Wildlife Trust will be responsible for the development of the funding bid and finding the match funding necessary to deliver the project
9. The Council has no revenue funding to commit to this project so is totally reliant on the voluntary sector partners and South Staff Water to commit to the project.

### **Law**

10. Section 111 of the Local Government Act 1972 which allows the Council to do anything that is calculated to facilitate or conducive to the discharge of statutory functions. 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

### **Equality Impact**

11. The provision of funding for this project will enable training and development work with volunteers who might otherwise have difficulty accessing training programmes.

### **Recommendation**

12. It is recommended that:-
  - The trustees consider the aspirations of the Friends and the Wildlife Trust and to approve the proposal to bid for Heritage Lottery funding.



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

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Deed Packet P5 – 8

Beacon Open Space

Conveyance dated 18<sup>th</sup> October 1935 made between William Montagu Curzon-Herrick and others (1) (The Vendor) The Coseley Urban District Council (2) (the Council) – Please see attached plan.

The Vendor agreed with the Council as follows:-

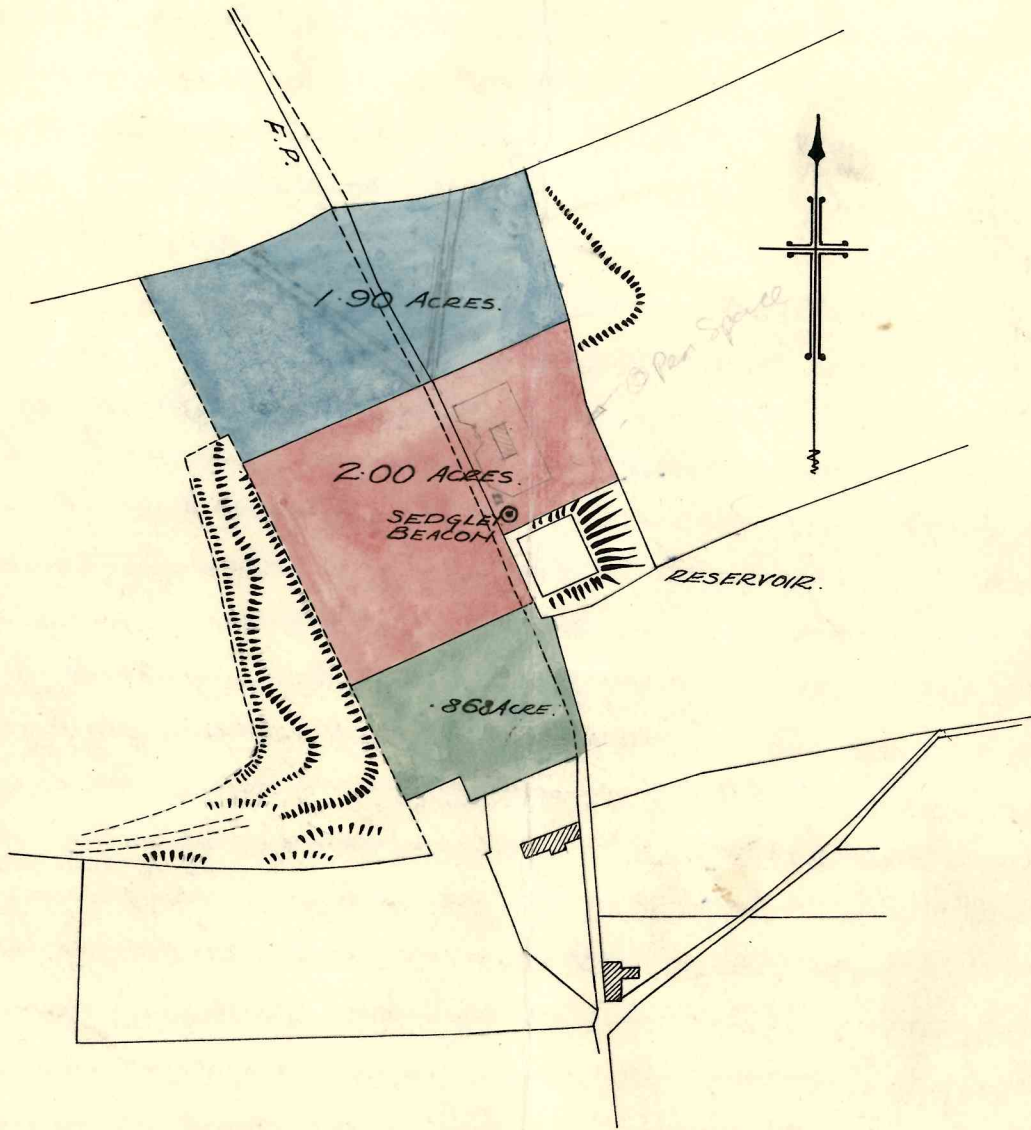
1. To convey by way of gift firstly the land coloured pink on the attached plan on which is erected a Beacon or monument to the memory of the date Thomas Perry of Wolverhampton in the County of Stafford
2. To sell to the Council for the sum of £221 ten shillings a further area of land comprising as to part thereof 1.900 acres or thereabouts and as to the other part 868 acres as extensions and for the purposes of using the same with the land firstly referred to (pink land above) to with the said monument as a public park or recreation ground the Council undertaking the preservation of the monument and entering into covenants and restrictions with regard thereto.

The Council covenant with the Vendor as follows:-

1. That the Council will at all times hereafter keep and preserve the said monument in a reasonable state of preservation together with all inscriptions that may be thereon.
2. To keep the land firstly described (pink) as an open space for the benefit of the inhabitants of Coseley and District and to maintain the same in good and tidy condition as an Open Space and to take all reasonable steps to prevent there same from deterioration by misuse damage or becoming littered or in any way becoming a nuisance to the owners or occupiers of the adjoining or neighbouring land.
3. To erect and maintain suitable fences on the land hereby conveyed dividing it from the adjoining land of the Vendor in such manner as may be approved by the agent for the time being of the Vendor Provided that this covenant shall not be extended to the fencing off of the land hereby conveyed or any part thereof from the road or footpath hereinafter referred to
4. Not to erect any building on the said land firstly described other than those necessary by reason of the land being made into a public open space.

The conveyance above referred to is registered at the Charity Commission under number 522644 as of 26<sup>th</sup> May 1964 with the charitable objects being a public park or recreation ground. Classification being what – amateur sport, who – the general public/mankind, – how – provides buildings/facilities/open space. The area of benefit is Coseley Urban District.

PLAN REFERRED TO :-



SCALE - 208.33 FEET TO 1 INCH

**Ernest Stevens Trusts Management Committee - 18<sup>th</sup> April 2016**

**Report of the Strategic Director Place**

**Stevens Park, Quarry Bank**

**Purpose of Report**

1. The purpose of this report is to update the Trust on the proposal to bid for funding from the Heritage Lottery fund to improve the Park building, and restore some of the main heritage structures.

**Stevens Trust, Quarry Bank**

2. The Friends of Stevens Park Quarry Bank, are keen to develop the masterplan for the Park which was part of the Liveability programme established 10 years ago. They have been successful with some smaller scale developments, but one of the largest projects on the masterplan was to improve the White house at the eastern entrance to the park which is currently very run down, and in a bad state of repair.
3. Some designs for the White house have been developed and some public consultation was carried out in 2014, to see what local people think about making changes to the use of the building, and how they would like to see it developed. The White house development would make a significant improvement to the park, acting as a hub for activity and providing a meeting space, training centre and community cafe.
4. Voluntary sector partners are being sought to help to take this project forward, so that the end use of the building can be sustainable. Unfortunately an appropriate organisation has not yet been found.
5. The success of the Heritage Lottery Projects at Priory Park and Mary Stevens Park has meant that Heritage Lottery could be a possible funder for this project. As these Lottery projects require a very strong heritage focus, a lot of research has been done about the previous uses of the site, and the main heritage features such as the bandstand, peace gardens and entrance features. The White house used to be a farm house called Tintern house before it was bought by Ernest Stevens, and it was used as council offices for Quarry Bank Urban District Council in the early 20<sup>th</sup> century.
6. If a funding bid to Heritage Lottery Fund were to be successful for the improvements proposed at Stevens Park Quarry Bank, a voluntary sector partnership would be required in order to continue to run a community facility within the building and to make the park thrive. It is suggested that a lease arrangement with the council maybe the best way forward for this partnership to operate successfully.

7. The Ernest Stevens Trust will need to consider whether a lease with a voluntary sector organisation to develop sustainable solutions to the long term maintenance of Tintern House is the best way forward.

### **Finance**

8. The running of the building will be entirely the responsibility of the voluntary partner, removing maintenance obligation from the Council. A new use for the building will hopefully breathe life into the park and reduce the risk of Anti Social Behaviour.
9. The Council will work with the Friends group to find sources of external funding to match fund the proposed work including community forum funding. The volunteer time from the Friends and other volunteers will also help to draw down funding.
10. The bid will be dependent on obtaining match funding of approximately 10% of the total cost, this match funding will be found from a number of different sources. The Council has no revenue resources to commit to this project.

### **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.  
In particular Section 117 (3)(d) allows the Council, as Trustee, to grant a lease to any beneficiary where; (i) is granted otherwise than for the best rent that can be reasonably be obtained, and (ii) is intended to enable the demised premises to be occupied for the purposes, or any particular purposes of the charity.

### **Equality Impact**

12. The provision of funding for this project will enable training and development work with volunteers and young people, who might otherwise have difficulty accessing training programmes.
13. Heritage Lottery Funding and Big Lottery funding contributes towards the Parks for people programme. It is very important that the project has social outcomes such as improvements to accessing information and education. The project will provide opportunities for learning in an informal setting.

### **Recommendations**

14. It is recommended that:-
  - The trustees consider the aspirations of the Friends who are very keen to improve facilities at Stevens Park, Quarry Bank, and to approve the proposal to bid for Heritage Lottery funding.

- Trustees consider the proposal to develop a partnership with a voluntary sector body in order to improve the use of the park building and put appropriate arrangements in place to make the partnership flourish. This maybe through a lease arrangement for the building or asset transfer subject to any necessary consultation and any necessary application to the Charity Commission.



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

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**Ernest Stevens Trusts Management Committee - 18<sup>th</sup> April 2016**

**Report of the Strategic Director Place**

**Bowling Green & Croquet Maintenance**

**Purpose of Report**

1. The purpose of this report is to update the Trust Management Committee on the challenges facing the management and maintenance of bowling greens and croquet lawns, arising from the reduction in grounds maintenance funding in the Council's Medium Term Financial Strategy and to consider the options that are available moving forward.

**Background**

2. The Medium Term Financial Strategy approved by Council on February 29<sup>th</sup> 2016 will see significant reductions in funding for Green Care services over the next few years. As a consequence, officers have been looking at ways the local authority can develop partnerships with groups in order to sustain services which previously have always been provided by the Council.
3. One of the more costly services provided on Community Parks is the maintenance of bowling greens and croquet lawns. This service is heavily subsidised borough wide to the extent of circa £79,000 per annum and the Medium Term Financial Strategy has identified savings in this provision in 2017-18. Officers continue to consult with numerous clubs that use these facilities in the Borough to consider how we can jointly continue to maintain these facilities via community/voluntary sector input at a much lower cost.
4. The proposal to deliver services in partnership with voluntary organisations is in keeping with government initiatives to engage with the local community in the provision of services that support the local environment and Dudley's Community Council objectives.
5. One of the ways in which sports clubs can assist the Council in delivering services would be through entering into a lease agreement for a specific facility. This would enable clubs to access funding not currently available to the Council.
6. The principle of entering into a lease arrangement is not new in that the Council, as Trustee, has received a Scheme from the Charity Commission consenting to the grant of leases.

7. There are a total of six bowling greens and one croquet lawn detailed within the savings proposals. The following sites fall within the remit of the Ernest Stevens Management Committee and contain either bowling green's and/or a croquet lawn.

### **King George 5<sup>th</sup> Park, Wordsley**

8. Although this site falls outside the Ernest Stevens Trust, it is recognised that it has charitable status and therefore falls under the remit of this committee. There is a parcel of land registered at the Charity Commission with the remainder of this park being subject to the conditions of Fields in Trust. The land which is the subject of the bowling green falls within the Fields in Trust part of this park. Details of the process of obtaining consent of Fields in Trust will be provided to the Committee at a later stage.
9. The bowling green at King George 5<sup>th</sup> Park, Wordsley, is currently not being used for bowling. The fact that no toilets are available for the club to use has had a big impact on the people who used to play there. The Friends of the Park would like to develop alternative uses for this space.
10. The Friends of the Park are proposing to develop a skate park facility on the bowling green which could potentially involve an asset transfer arrangement, with the group picking up the responsibility for management and maintenance. This type of arrangement would enable the group to bid for grant funding to support their proposals.

### **Stevens Park Wollescote,**

11. At Wollescote Park, there are two bowling green's. The crown green in front of Wollescote Hall provides weekly games for the Sons of Rest Club which operates from the hall. This club provides a small amount of revenue for the maintenance of the greens via the Council's fees and charges.
12. There is also a very well played flat green bowling facility behind Wollescote Hall, which is also let on an annual basis through the Council's fees and charges to three different clubs, providing some revenue to assist in the maintenance of the green. Both of these facilities are also available to the public for occasional use.
13. There has been considerable investment over the years from the flat green clubs, they have improved the playing surface and have acquired a grant from the local authority to place a small bowls pavilion in the walled garden which they manage successfully. This bowls pavilion is granted on an annual license agreement with the Council. These voluntary sector developments have allowed Wollescote Park's sports facilities to operate successfully with considerable volunteer input. The volunteers provide security of the walled garden, tennis courts and changing rooms, opening and closing the gates when there is high demand for these facilities. The volunteers deliver the services which a park keeper previously provided.
14. These active volunteers have now outgrown their small bowls pavilion and they have aspirations to build a much larger pavilion on the site which would allow them to operate over the winter using indoor bowls mats. The group's aspirations would require a long-term lease to be developed so that they could benefit from the external grants which are available for voluntary sector bodies.

15. There is considerable interest from the clubs to take on the management of the green through an asset transfer arrangement which would enable them to bid for grant funding to support their development proposals.

### **Mary Stevens Park, Stourbridge**

16. At Mary Stevens Park there is a crown green which is regularly used by the Sons of Rest Club based in the park, but other smaller clubs also play here. There is also a croquet green adjacent to the bowling green which is used by Stourbridge Croquet Club. The croquet lawn suffers considerable abuse by park users during the summer months, impacting directly on the condition of the playing surface. These clubs provide a small amount of revenue for the maintenance of the greens via the Council's fees and charges.
17. It is acknowledged that additional security would benefit these greens, however this cannot be delivered by the Council given the current financial challenges.
18. As part of the Heritage Lottery Funded project, new bowling and croquet huts have been installed on the site, providing better shelter and opportunities for refreshments for the teams who play there. These facilities are also available to the public for occasional use.

### **Bowling Green Maintenance**

19. The Council is seeking to reduce its budget for bowling greens and croquet lawns by £79,000 per year. However, in order to continue to supply bowling facilities in these parks, officers have been meeting with clubs to discuss a variety of options that are available.
20. Some of the clubs are keen to work with the local authority and to take on the management of the bowling greens in an asset transfer arrangement, whereby the club becomes responsible for managing the site. The club would have to provide opportunities for casual play on the greens and not be exclusive to club members only.
21. These arrangements are already being progressed with Dudley Sports Bowling Club in Kingswinford and bowlers at Huntingtree Park, Halesowen. It should also be noted that these parks are not subject to any trust
22. The Black Country Bowls Club has expressed interest for potential asset transfer of the flat green at Wollescote Park. Advantages of a lease arrangement would mean that the club could also bid for external funding for their pavilion upgrade project and other improvements to the facilities to the overall benefit of the park and its users.
23. Whilst it is acknowledged that other bowling clubs are not keen to enter into an arrangement to take on board responsibility for the management and maintenance of their respective greens, the Council can no longer continue to subsidise bowling green maintenance so would have to consider other options to meet the required savings approved by Council. These options are:

## Option 1

24. To increase the fee payable to the Council for the use of these facilities. The current fees are heavily subsidised and do not represent full cost recovery for ongoing maintenance. In these times of austerity the Council would have to consider a significant increase in the fee for bowling activities.

## Option 2

25. A combination of an increase in fees and assistance with maintenance from the clubs. This may suit some clubs whereby they offer support for maintaining the green through regular work parties when the maintenance tasks are very intense during the height of the summer. Clubs could also raise funds through fundraising events and club activities to fund additional maintenance services from the Council or from a third party provider.
26. The average cost of bowling on Council greens for club members is between £5 and £20 per year depending on the number of members per club (some clubs have between 50 to 60 members) Senior citizens pay the Council £15.96 per year for an individual season ticket. This represents approx 60p per game on average. Research suggests that most club memberships range from £75 - £150 per member for the season. Most Councils charge £2.00 - £3.00 per game for senior citizens. It has been suggested that these sorts of fees would be much more reasonable and would reduce the subsidy considerably.

## Option 3

27. To significantly reduce maintenance operations and grass cutting to a minimum number of cuts per year. The Council is very concerned about closing greens entirely. Dudley, like many council's, has lost many bowling greens in parks during the 1980s and 90s. Whilst this would seek to maintain opportunity for recreational bowling, the surface may not be suitable for a higher level standard of bowling.
28. In respect of Option 3, members of this committee are asked to consider the details of the respective Deed of Gift. It has been suggested that as a consequence of the Deed of Gift for the Stevens Parks, the Council as Trustee is tied to maintaining the greens. **The deed for Wollescote Park states:**

"That the land will be forever maintained as public park and recreation ground in good ornamental cultivation condition and repair",

and that "the Lawns attached to Wollescote Hall may be appropriated and used for the purpose of playing tennis, bowls and croquet."

"The Council shall keep the grassland mown and or closely grazed by sheep"

"The Council shall keep the lawns, fruit trees and garden land in a cultivated, clean and tidy condition"

The Council shall be at liberty from time to time to make such reasonable charge or charges as it may determine for the use by adults of a portion or portions of the Parks and Recreation Grounds for Golf, Cricket, Football, Hockey, Tennis, Bowls,

Croquet, Boating, Swimming and or other games and recreations approved by the Council'

'The Council shall be at liberty from time to time to make such bye-laws and regulations governing the use of the Buildings the Parks and Recreation Grounds as it may think proper such bye-laws and regulations being consistent with the covenants and conditions herein set forth'

The Council shall be responsible for the whole cost of carrying out the conditions herein set forth and anything arising thereout and also for the maintenance upkeep and control of the premises hereby assured but it shall be at full liberty to levy a rate or raise funds for this purpose by subscription or otherwise as it may think fit'

**The deed for Mary Stevens Park states:**

"The corporation shall be at liberty from time-to-time to make such reasonable charges as it may determine for the use of the park for tennis, bowls, boating, swimming and or other games."

"Provision shall be made by the corporation for the playing of games (which shall include tennis and bowls) by people of small means at the lowest possible charge"

'The Corporation shall be responsible for the whole cost of carrying out the conditions herein set forth and anything arising thereout and also for the maintenance upkeep and control of the premises hereby assured but it shall be at full liberty to levy a rate or raise funds for this purpose by subscription or otherwise as it may think fit'

The provision for the Council from time to time to make such bye-laws and regulations as per Wollescote Park applies to Mary Stevens Park.

The Deed of Gift does not tie the Council into maintaining the bowling green or detail specific standards of maintenance. Equally it does not stipulate who should provide this service, only that the Council makes provision. It is therefore recommended that the Trustees consider the other options highlighted above for the future provision of this service.

**Finance**

29. 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.
30. 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.
31. Failure to deliver these savings will compromise the Council's medium-term financial plan and impact on essential services.

## **Law**

32. 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**

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

## **Recommendations**

34. The Committee considers the aspirations of the voluntary sector partners who have a strong desire to improve facilities at these parks.
35. The Committee supports the principle of transferring management and control of some areas of the parks to third parties.
36. The Committee supports exploring and developing partnership arrangements with the clubs who play on the greens and supports improving the current financial position by seeking to reduce or eliminate the current Council subsidies which deliver bowling and croquet greens.
37. The Committee further considers a way forward based on the information contained in this report, further consultation process together with the provisions of the Deeds of Gift and any necessary scheme/consent of the Charity Commission together with legislation referred to above.



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**Strategic Director Place**

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