



# **Ernest Stevens Trusts Management Committee**

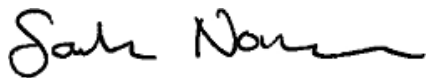
**Monday 17<sup>th</sup> July, 2017 at 6.00pm**

**In Committee Room 3 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 24<sup>th</sup> April, 2017](#) as a correct record.
5. [Terms of Reference of the Committee](#)
6. Public Forum
7. [Ernest Stevens Trust – Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge – Request to Grant Lease Renewal to Lymphcare UK CIC](#)
8. [Ernest Stevens Trust – Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge – Request to Grant Lease Renewal to Dudley Group NHS Foundation Trust](#)
9. [Lease to Mary Stevens Hospice](#)
10. [Stevens Park and Recreation Ground Foundation Trust - Grant](#)
11. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



**Chief Executive**

**Dated: 7<sup>th</sup> July, 2017**

**Distribution:**

**Members of the Committee:**

Councillor I Kettle (Chair) - Pedmore and Stourbridge East Ward  
Councillor H Rogers (Vice Chair) - Norton Ward  
Councillor J Cowell - Quarry Bank and Dudley Wood Ward  
Councillor V Wale - Lye and Stourbridge North Ward  
Councillor A Hopwood - Wollaston and Stourbridge Town Ward  
Councillor G Partridge - Cradley and Wollescote Ward

**Co-opted Members (Non-voting)**

Friends of Stevens Park, Quarry Bank – M Sparks  
Friends of Wollescote Park – C Lees  
Friends of Mary Stevens Park – Vacancy

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- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
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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 815238 or E-mail [Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)

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

Monday, 24<sup>th</sup> April, 2017 at 6.15 p.m.  
in Committee Room 2, The Council House, Dudley

### **Present**

Councillor J Cowell (Chair)  
Councillor V Wale (Vice-Chair)  
Councillors S Clark, I Kettle and G Partridge.

### **Officers**

M Wilcox (Principal Lawyer), J Croft (Finance Manager), G Dean (Head of Street and Green Care), L Stuffins (Green Space Team Leader), T Webb (Principal Property Surveyor), S Field (Borough Artist) and K Buckle (Democratic Services Officer).

### **Also in Attendance**

Councillor H Rogers.

### 25. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Elcock and A Hopwood.

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### 26. **Appointment of Substitute Member**

It was reported that Councillor S Clark was serving as a substitute for Councillor A Hopwood for this meeting of the Committee only.

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### 27. **Declarations of Interest**

Councillor J Cowell – Non-pecuniary interest as a Ward Member for Quarry Bank and Dudley Wood.

Councillor G Partridge – Non pecuniary interest as attended a meeting with Age Concern.

Councillor I Kettle – Non-pecuniary interest as a Ward Member for Pedmore and Stourbridge East.

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### 28. **Minutes**

#### **Resolved**

That, the minutes of the meeting held on 13th February, 2017, be approved as a correct record and signed.

## **Trust Land and Buildings – Leasing Arrangements**

A report of the Strategic Director Place was submitted on approval to proceed on a nominal rent (peppercorn) for the new lease of the hospice and seeking agreement for the new leases at Mary Stevens Centre and on other Trust land to be on a similar basis.

Arising from the presentation of the report submitted, Members asked questions and raised concerns in particular relating to:-

- Those Charities occupying Trust land may wish to exclude Members of the public from certain areas and a potential conflict that could create with the Trustees obligations to ensure that the public were not excluded;
- The digital lock that had been installed on the Bowling Green at Wollescote Park which excluded the public and the need to address exclusion of the public should this be occurring;
- An explanation of the tax advantages of a peppercorn rent was requested;
- Details of the duration of Leases;
- How the proposals contained in the report submitted, would fit in with the Council's Community Asset Transfers;
- How the arrangements contained in the Leases were monitored.

Officers responded to the concerns and questions raised and provided assurances stating as follows:-

The Lease would contain provision for the public to be allowed access to the Bowling Green.

Leases could be granted for up to a period of 28 years at Mary Stevens Centre, however liaison would take place with the occupiers when considering the term of the Lease to be granted.

Proposals in relation to the renewal of Trust Leases would be presented to future meetings of the Committee for consideration.

The intention was to align the process for granting Trust Leases with the Council's Community Asset Transfer policy.

That should a commercial rent be charged for the Charity concerned, it may require preparation of more detailed Accounts for the Charity Commission, increasing administration and support costs. Accounting for additional items of income and expenditure could result in VAT registration thresholds being exceeded, also increasing administration costs. For the Council, Peppercorn rents were generally beneficial in not impacting their VAT partial exemption limit.

Following the approval of a grant of a Lease, Legal Services would implement this and the Council's Principal Communications Officer would monitor outcomes and service level agreements. The Committee would be requested to consider approving charging a Peppercorn rent, rather than a market rate rent and this would be monitored.

It was noted that a Lease would not be granted excluding the public from trust land and the Charity Commission had provided their consent to grant a Lease to the Mary Stevens Hospice and to the occupiers of the Mary Stevens Centre.

### **Resolved**

That, the Committee consent to grant leases to Mary Stevens Hospice and to the occupiers of Mary Stevens Centre and for any future leases on Trust land at nominal rents on the understanding that the services to be delivered by the charities equal the amount of commercial rent and that the services to be delivered during the term of the lease would be reviewed.

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30 **Mary Stevens Centre – Leases to Age Concern Stourbridge and Halesowen, Dudley MIND and Beacon Centre for the Blind.**

A report of the Strategic Director Place was considered on the request to grant leases to the occupiers at Mary Stevens Centre.

Following the presentation of the report submitted Members raised concerns, as although it was noted historically that the Council had utilised their funds and not the Trust monies to maintain the Mary Stevens Centre, this would no longer be possible given the budget constraints now faced by the Council.

It was also noted that in relation to the central heating system there were issues in relation to asbestos that required addressing and a replacement boiler was also required at the Centre. Once this had taken place Age Concern would be provided with greater control in relation to regulating the central heating system.

Councillor G Partridge raised concerns in relation to the potential to change the fundamental interest between the Council and the Trustees, and requested that the item be deferred.

Following further discussions there was general agreement that the matter should be deferred for further information, in particular relating to the costs for the replacement boiler, removal of the asbestos and the clarity on the responsibilities of the occupiers to maintain the building, with all relevant costings and figures to be provided to a future meeting of the Committee.

### **Resolved**

That consideration of the Mary Stevens Centre – Leases to Age Concern, Stourbridge and Halesowen, Dudley MIND and Beacon Centre for the Blind, be deferred to a future meeting of the Committee for further information as referred to above.

**Frank Foley Statue.**

The Borough Artist reported that the majority of the Friends of Mary Stevens Park would prefer the siting of the Frank Foley statue in Stourbridge Town Centre, however there was no objection in principal to the statue being sited in Mary Stevens Park.

It was noted that although it had been suggested that the Stourbridge Township Council, Chamber of Trade and the Jewish Community should be consulted, all three had been contacted, however the only response to date had been from R Jacobs, Chair and representative Council of Birmingham and West Midlands Jewry. A copy of the letter received was circulated at the meeting.

It was noted that the Jewish Community believed Mary Stevens Park to be the right location for the statue to encourage peaceful reflection and remembrance and fully supported the original idea of the statue being positioned in the tea garden.

The Chair referred to the clear wish of the Jewish Community to site the statue in Mary Stevens Park, and advised that they were the community who were most affected by the actions of Frank Foley and requested Members to consider the direct request to the Trust to site the statute in Mary Stevens Park.

Councillor H Rogers made submissions in relation to the siting of the statue in Stourbridge Town Centre, referring to the other commemorations of Frank Foley including two plaques in Mary Stevens Park and making mention of individual accolades in both Norway and Jerusalem, advising that placing the statue outside the tea room in the park would not provide quiet reflection as that was a busy area and by placing the statue in Stourbridge Town Centre, the Frank Foley story would reach a more far reaching audience, with the statute being protected due to closed circuit television being installed in the Town.

In response the Chair reiterated the specific request from the Jewish Community, and made reference to the reality that the statue would more likely be subjected to vandalism in the Town Centre than Mary Stevens Park.

Members were unanimous in their recommendation that the statue be sited in Mary Stevens Park both in accordance with the request of the Jewish Community and for reasons of future security and safety of the statue.

**Resolved**

That the Committee support the location of the Frank Foley Statute within Mary Stevens Park.

**Stevens Park and Recreation Ground Foundation Trust.**

The Committee considered a report of the Chief Officer Finance and Legal Services on the request for a grant from Stevens Park and Recreation Ground Foundation Trust.

Following further discussion and in conjunction with the deferment of the Mary Stevens Centre – Leases to Age Concern, Stourbridge and Halesowen, Dudley MIND and Beacon Centre for the Blind it was agreed that this matter should be deferred for further consideration once the additional information in relation to the Mary Stevens Centre had been provided to the Committee.

### **Resolved**

That consideration of the request for a grant from Stevens Park and Recreation Ground Foundation Trust, be deferred for further consideration at a future meeting of the Committee.

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### 33 **Stevens Park Quarry Bank - Update**

The Committee considered a report on the project at Stevens Park, Quarry Bank which was in the planning and development phase.

In presenting the report submitted the Greenspace Team Leader referred to the basic plans in relation to the restoration of the Park and the Whitehouse building and circulated a further plan on the proposals for the Whitehouse building.

It was reported that the proposed Cafe within the building would provide training opportunities for young people including those with learning difficulties and would be community led. It was hoped that the presence of more people would increase security, prevent anti social behaviour and improve viability.

It was noted that there were proposals for replacement toilets and changing rooms and although it was hoped that heritage lottery funding could be utilised towards new playground equipment, this would be unavailable to carry out improvements to the play area.

It was further noted that a long term lease arrangement of 25 to 28 years was proposed between the Trust and the new partner.

### **Resolved**

That, the development of a long term lease subject to a scheme agreed with the Charities Commission for the White house building, Stevens Park, Quarry Bank, be noted.

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### 34. **Closing Remarks**

This being the final meeting of the municipal year, the Chair thanked Members and Officers for their assistance and support in relation to the Trust.

The meeting ended at 7.50pm

CHAIR

EST/21

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**Ernest Stevens Trusts Management Committee – 17<sup>th</sup> 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 29<sup>th</sup> 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 24<sup>th</sup> 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:-

6<sup>th</sup> December 1929  
13<sup>th</sup> 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 2<sup>nd</sup> 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.

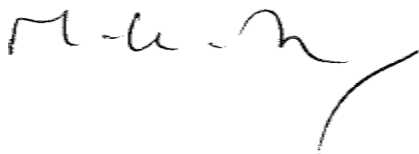
15. Section 139 of the Local Government Act, 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area.
16. The conditions under which a gift 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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**Mohammed Farooq**  
**Lead for Law and Governance**

**Contact Officer** Steve Griffiths  
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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 29<sup>th</sup> January, 1921.
  - (2) The administration of Mary Stevens Park Trust (Norton) as regulated by the Deed of Gift dated 6<sup>th</sup> December, 1929.
  - (3) The administration of the Stevens Park and Recreation Ground Foundation Trust Wollescote as regulated by Deed of Gift dated 29<sup>th</sup> September, 1930 and by the Scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 24<sup>th</sup> May, 1966.
  - (4) The administration of the Mary Stevens Maternity Home and Public Park Charity as donated by the Deed of Gift dated 13<sup>th</sup> February, 1931, and regulated by the scheme of the Secretary of State under Section 18 of the Charities Act, 1960 on 3<sup>rd</sup> 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.

**Ernest Stevens Trusts Management Committee – 17<sup>th</sup> July 2017**

**Report of the Strategic Director Place**

**Ernest Stevens Trust – Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge – Request to Grant Lease Renewal to Lymphcare UK CIC**

**Purpose of Report**

1. To consider the request to grant consent to Mary Stevens Hospice to renew the underlease to Lymphcare UK CIC.

**Background**

2. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of the Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
3. Clause 2(21) of the current Hospice lease contains a covenant against subletting but the Trustees can give consent to it as they did to the original lease to Lymphcare.
4. Consent was granted at a meeting held by the Stourbridge Area Committee on 25<sup>th</sup> June 2012 under Minute No. 13 for the underletting to Lymphcare UK CIC. A formal deed of variation was drawn up by the Council's Solicitors to enable the underletting.
5. Lymphcare UK CIC occupies the Ground Floor and First Floor of the Lodge at Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge dated 1<sup>st</sup> June 2012, on a 5 year lease agreement. The tenants work closely with the Hospice to deliver an enhanced service to users.
6. Mary Stevens Hospice has now requested consent to a lease renewal to Lymphcare UK CIC by way of a further 5 year lease and therefore requires authority from the Trustee, as landlords, to approve the underlease at market rent on terms and conditions to be negotiated and agreed.

**Finance**

7. There are no financial implications to the Trustees.

**Law**

8. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
9. 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.
10. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

## **Equality Impact**

11. The proposal takes into account the Council's equality and diversity policies.

## **Recommendation**

12. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to allow Mary Stevens Hospice to renew the underlease to Lymphcare UK CIC on terms and conditions to be negotiated and agreed by the Strategic Director Place.



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

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**Ernest Stevens Trusts Management Committee – 17<sup>th</sup> July 2017**

**Report of the Strategic Director Place**

**Ernest Stevens Trust – Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge – Request to Grant Lease Renewal to Dudley Group NHS Foundation Trust**

**Purpose of Report**

1. To consider the request to grant consent to Mary Stevens Hospice to renew the underlease to Dudley Group NHS Foundation Trust.

**Background**

2. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of the Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
3. Clause 2(21) of the current Hospice lease contains a covenant against subletting but the Trustees can give consent to it as they did to the original lease to Dudley Group NHS Foundation Trust.
4. Consent was granted at a meeting held by the Ernest Stevens Trusts Management Committee on 9<sup>th</sup> September 2014 under Minute No. 8 for the underletting to Dudley Group NHS Foundation Trust. A formal deed of variation was drawn up by the Council's Solicitors to enable the underletting.
5. Dudley Group NHS Foundation Trust currently occupies the First Floor Office Annex at the Lodge at Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge by way of an underlease dated 22<sup>nd</sup> October 2014, on a 3 year lease agreement. The tenants work closely with the Hospice to deliver an enhanced service to users.
6. Mary Stevens Hospice has now requested consent to a lease renewal to Dudley Group NHS Foundation Trust by way of a further 3 year lease and therefore requires authority from the Trustee, as landlords, to approve the underlease at market rent on terms and conditions to be negotiated and agreed.

**Finance**

7. There are no financial implications to the Trustees.

**Law**

8. The Council is the registered Trustee of the charity and in accordance with the Councils Constitution has delegated the administration of the charity to this Management Committee.
9. 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.

10. The Law relating to Trusts which are charitable is contained in various legislations. The key legislation being the Charities Acts 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.

**Equality Impact**

11. The proposal takes into account the Council's equal opportunities policies.

**Recommendation**

12. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to allow Mary Stevens Hospice to renew the underlease to Dudley Group NHS Foundation Trust on terms and conditions to be negotiated and agreed by the Strategic Director of Place.



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

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**Ernest Stevens Trusts Management Committee - 17<sup>th</sup> July 2017**

**Report of the Strategic Director Place**

**Lease to Mary Stevens Hospice**

**Purpose of Report**

1. For the draft scheme of the Charity Commission to be noted and consent to be given to proceed with the scheme and lease to the Hospice.

**Background**

2. Land and property at Mary Stevens Hospice and Park were gifted to the Council, as Trustee, by Ernest Stevens, by way of a deed of gift dated 13<sup>th</sup> February 1931. The Council obtained a Scheme to grant to the Hospice a lease for a term of 50 years in 1988.
3. The Committee on 13<sup>th</sup> July 2016 resolved that subject to planning consent, independent legal advice and to the necessary approval of the Charity Commission, to consent to the proposed extension of lease and the proposed refurbishment and extension works to Mary Stevens Hospice, as contained in that report, on terms to be negotiated and agreed by the Strategic Director of Place.
4. All above requirements have been dealt with and attached to this report is a draft Scheme received from the Charity Commission to permit the lease to be granted to the Hospice for a term of 75 years.

**Finance**

5. There are no current financial implications to the Trust in respect of this report.

**Law**

6. The Council is the registered Trustee of the Charity and in accordance with the Council's Constitution has delegated the administration of the Charity to this Management Committee.
7. 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 benefitting the inhabitants of their area.

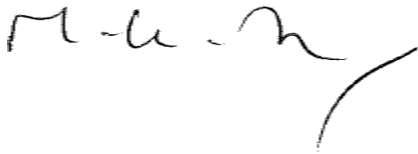
8. The law relating to trusts which are charitable is contained in various legislation. The key legislation being the Charities Act 1960, 1992, 1993, 2011 and the Trustees Investment Act 1961.
9. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972

### **Equality Impact**

10. 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**

11. It is recommended that the Trustees note the attached draft Scheme received from the Charity Commission and confirm that the Council can proceed to confirm the same with the Charity Commission and complete the lease with Mary Stevens Hospice on terms and conditions agreed.



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**Mohammed Farooq**  
**Lead for Law and Governance**

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### **List of Background Papers**

Draft scheme received from Charity Commission

**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 2011

Orders that from today, the

this

**SCHEME**

will alter or affect the existing trusts of the charity

known as

**THE MARY STEVENS MATERNITY HOME AND PUBLIC PARK (203087)**

at

Stourbridge, Dudley

DRAFT

**A member of staff of the Charity Commission authorised to act on behalf of the  
Charity Commission**

## **1. Definitions**

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the Commission” means the Charity Commission for England and Wales.

“the governing document” means the Deed of Gift dated 13 February 1931, as amended by Charity Commission scheme dated 3 October 1989.

## **2. Administration**

The charity is to be administered in accordance with the governing document as altered by this scheme.

## **3. Alteration of governing document**

The governing document will take effect with “term of up to 50 years” amended to “term of up to 75 years”.

## **4. Questions relating to the Scheme**

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.



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**Ernest Stevens Trusts Management Committee – 17<sup>th</sup> July 2017**

**Report of the Chief Officer for Finance & Legal Services**

**Stevens Park and Recreation Ground Foundation Trust - Grant**

**Purpose of Report**

1. To consider the request for a grant from Stevens Park and Recreation Ground Foundation Trust, deferred from the meeting of 24<sup>th</sup> April 2017.

**Background**

2. Ernest Stevens made various donations of property which were to be used for specified purposes. These have been identified as individual Trusts and detailed below:
  - i. Mary Stevens Maternity Home and Public Park Charity.
  - ii. Mary Stevens Park, Recreation Ground and Park, Norton.
  - iii. Stevens Park, Quarry Bank.
  - iv. Stevens Park and Recreation Ground Foundation, Wollescote
3. Only the Stevens Park and Recreation Ground Foundation has investments, which generate income for disbursement.
4. Previously the management of the above trusts was delegated to the Stourbridge Area Committee. Members will be aware that following the consultation on Area Committees and the introduction of Community Forums, the four Ernest Stevens Trusts are now combined under the control of this Committee as Trustees.
5. In the application of the income of the Foundation, the Trustees have discretion to give preference to the area of the former Urban District of Lye and Wollescote and to meeting the needs of the people resident therein.
6. There is no set maximum amount stipulated in the Trust deed for a grant. However, in the past, the Trustees have tended to apply the criteria that the grant should be a maximum of £5000 or 50% of the total cost of a capital project.

## **Application**

### **PEDMORE CRICKET CLUB**

7. Pedmore Cricket Club promotes amateur cricket within the Stourbridge area in accordance with the rules of the English Cricket Board, to provide social and recreational facilities and activities for members and the local community. Activities include cricket matches and coaching for senior and junior members outdoor daily between April and September. Indoor facilities are hired during the winter months. Open all year round, the Club is also a venue for regular meetings of a local Women's Institute, Men's Group, and Residents Association. As well as social events, the facilities are available for use by any group or member of the local community, and are also used by two local Fire Brigades for charity fundraising.
8. Benefitting the communities of Stourbridge, Pedmore, Wollescote and Lye, the Club has 60 senior members, and 120 junior members, plus 150 parents who are termed as social members. In addition, there is considerable use by the wider community – potentially exceeding 500 people per year.
9. Having obtained planning permission, the Club is undertaking a £34,000 extension and refurbishment of the Clubhouse, with a large proportion of the work being carried out by Club members. A grant of £5,000 is requested from the Trust towards the cost of materials for this project. Improvements include extending the main meeting room, and provision of a new kitchen and a separate Ladies toilet.
10. Fund raising to date includes a sponsored coast to coast walk, a "buy a brick" scheme, social events such as quizzes, horse race evenings, barbeques and New Year parties. An application is also being made to Norton and Pedmore Community Forum to help meet cost of new security doors and shutters. To date, £10,436 has been raised towards the works, including a loan of £5,000.
11. Accounts for the year ended 30<sup>th</sup> November 2016 show a small profit of £2,213. Total funds available to the Club at Bank and Cash were £6,728. As at 28<sup>th</sup> February 2017 there was a credit balance of £561 at the Bank.

## **Finance**

12. No grants have previously been awarded during the current financial year.
13. Accounts for 2016/17 have not yet been prepared. Excluding one-off rentals, the ongoing income of the trust available for distribution in 2015/16 was approximately £15,000, and it is expected that this will not significantly change in 2017/18.
14. At a previous meeting of the former Finance (Stevens' Bequests), Sub-Committee, Members agreed to maintain the "real" spending power of the bequest as a fundamental part of the investment strategy. The total sum shown in Paragraph 13 above could be spent without jeopardising the strategy. However, should the value of the investment fall, any income then generated would need to be reinvested and would not be available for disbursement.

## **Law**

15. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
16. 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.
17. The conditions, under which a gift is to be administered, are contained in the Deed creating the Trust, and any subsequent schemes made by the Charity Commission.
18. The law relating to Trusts, which are charitable, is contained in various acts, the main ones being the Charities Act, 1960, the Charities Act 1992 and 1993, and the Trustee Investment Act, 1961.

## **Equality Impact**

19. The Trusts have been set up to benefit the public in certain geographical areas of the Borough as outlined in the Deeds of Gift.

## **Recommendation**

20. It is recommended that the Committee consider the request for a grant of £5,000 to Pedmore Cricket Club, as detailed in the report.

## **Chief Officer for Finance & Legal Services**

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## **List of Background Papers**

Application form

Accounts for yr ending 30<sup>th</sup> November 2016

Bank Statement

Quotation for works