

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

Monday, 13<sup>th</sup> February, 2017 at 6.00 p.m.  
in Committee Room 3, The Council House, Dudley

### **Present**

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

### **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) and S Field (Borough Artist) and K Buckle (Democratic Services Officer).

Together with 3 members of the public.

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### 17 **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 Heritage Lottery Project Team - Mary Stevens Park and attendance at associated stakeholder meetings.

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

Councillor V Wale – Non-pecuniary interest as a Trustee of Mary Stevens Hospice.

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### 18 **Minutes**

#### **Resolved**

That, the minutes of the meeting held on 27th October, 2016, be approved as a correct record and signed.

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### 19 **Payment of Grant – Stevens Park and Recreation Ground Foundation Trust**

A report of the Strategic Director Place was submitted on payment of a grant from Stevens Park and Recreation Ground Foundation Trust to Stourbridge and District Scout Association.

In presenting the report submitted, the Finance Manager referred to the application for up to £5,000 funding towards improvements to the Scout Association

headquarters, advising that following the association providing further detail of their fund raising, there had been three approvals and no dissensions received and therefore a payment of £5,000 was made to the Association prior to Christmas 2016, with Members being advised of this.

### **Resolved**

That, the payment of the Grant from Stevens Park and Recreation Ground Foundation Trust to Stourbridge and District Scout Association, be noted.

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## 20 **Proposed Location of Frank Foley Statue**

A report of the Strategic Director Place was considered on the location of the proposed bronze statue of the “British Schindler” Frank Foley in Mary Stevens Park, or if the need be elsewhere in Stourbridge.

Prior to the meeting a letter of Ian Austin MP had been circulated to Members supporting the proposal to site the statue in the Tea Garden at Mary Stevens Park.

S Field, Borough Artist was also in attendance at the meeting and displayed drawings of the proposed statue, which included either a standing figure or a seated figure on a bench. Details of the proposed location of the statue, particularly in the Tea Garden in Mary Stevens Park, were also outlined.

S Field made reference to the letters of support received from Margot James MP and Ian Austin MP.

Councillor H Rogers referred to enquiries that she had received in relation to the proposed statue and although the need for the statue was not disputed, there was the need to site this in Stourbridge, in particular favouring siting between the fountain and the High Street, with the possibility of publishing a book and providing posters publicising the event in order to reach a much wider audience.

Councillor G Partridge referred to the need to consider the views of the Friends of Mary Stevens Park and the Chair responded stating that it was her belief that part of the process would be to undertake discussions with them. Councillor H Rogers confirmed that she would discuss the matter with the Group.

The Chair referred to the proposed area for siting already being an area for contemplation and reflection and the need to interlink the statue and story of Frank Foley with the War Memorials which were already in place at the Park. She did not believe that the siting of the statue in the park would preclude the siting of a statue of Ernest Stevens in the park in the future.

Councillor I Kettle advised that he preferred the standing statue sited either to the fore of the Sons of Rest or to the fore of the Cafe in the grassed area of the Park, however he was in agreement that the story of Frank Foley may reach a wider public audience should the statue be sited in the Ryemarket area of Stourbridge Town Centre.

S Field confirmed that the statue would be life sized.

The Chair referred to the main purpose being to provide the Friends of Mary Stevens Park with a Steer from Members of the Committee, in relation to the proposed statue, stating that there seemed to be general support with the exact location and type of statue being considered further, following discussions with the Friends of Mary Stevens Park, as there appeared to be no great objection from the proposals to site the statue in the area specified.

**Resolved**

- (1) That the Strategic Director Place be requested to refer the comments and suggestions of Members, in relation to the proposed statue and location, as outlined above to Mary Stevens Park Friends Group for further consideration.
- (2) That the Strategic Director Place be requested to submit a further report to a future meeting of the Committee in relation to the proposed statue and location, following discussions with the Friends of Mary Stevens Park.

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21

**Temporary use of space at Mary Stevens Centre during refurbishment and extension works at Mary Stevens Hospice.**

A report was submitted on the request of Mary Stevens Hospice to grant temporary occupation of spaces/rooms at Mary Stevens Centre for the duration of the refurbishment and extension works by way of a lease.

In presenting the report submitted the Principal Property Surveyor advised that the temporary occupation related to the Finance Department who would not be permitted to park at the Centre.

It was noted that this would be a temporary facilitation for a maximum period of two years and the Principal Lawyer agreed that a clause would be inserted into the Lease relating to any damage caused to either the inside or outside of the building to be put back into good repair.

In response to a query raised in relation to a padlocked gate on the grounds at the Centre, the Chair confirmed that she would discuss the issue with the appropriate Officers following the meeting.

**Resolved**

That, subject to the inclusion of the clause referred to above, the Committee consent to the Mary Stevens Hospice temporary occupation of spaces/rooms at Mary Stevens Centre for the duration of the refurbishment and extension works and any other rooms/spaces that become available, on terms to be negotiated and agreed by the Strategic Director Place.

22 **Future Parking provision at Mary Stevens Hospice.**

The Principal Property Surveyor reported that Mary Stevens Hospice had been proactive in managing the parking situation at the site, advising that they had encouraged staff to car share and were proposing to incentivise staff to utilise other methods of transport.

It was noted that for the duration of the contract, the Hospice had arranged additional parking at the Crown and the Crabmill Public Houses and that contractors would not be allowed to park personal vehicles on the site during the day.

It was further noted that consideration of a longer term solution for the whole site, including Mary Stevens Centre occupiers and provision for visitor parking to access the grounds would be required.

It was stated that unauthorised parking on the site and funding of any new parking provision would also need to be factored into future discussions.

The Principal Property Surveyor referred to discussions with the Council's Landscape Architect and Urban Designer and the proposals to hold a meeting on site with Members and site users, in order that issues could be explored and possible long term solutions investigated.

**Resolved**

That the information reported on at the meeting in relation to the future parking provision at Mary Stevens Hospice and Mary Stevens Centre, be noted.

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23 **Bowling Green and Sunday Play Consultation**

The Committee considered a report on the results of the consultation on the two issues of Sunday/Good Friday play on Trust Parks and the proposal to explore leasing arrangements for bowling/croquet provision in parks.

Members raised concerns in relation to increasing charges for Bowling Green users and a Member commented that those accessing the Healthy Hub at Mary Stevens Park were not charged.

A Member raised a concern that should the croquet club utilise the Bowling Green this may destroy the surface of the Green.

Concerns in relation to the number of responses received from the consultation exercise were raised.

A request was made that should Members be required to discuss and debate issues in the future that all documents and Trust Deeds should be available for Members consideration.

There followed a request that the letter to the Charities Commission together with supporting documentation should be forwarded to Members of the Committee prior to final submission to the Commission.

In responding to requests and concerns raised the Principal Lawyer reiterated that all Deeds and documentation including Trust Deeds for the Borough's parks were available for inspection, and that organised Games at Homer Hill Park had been played there for many years and once a covenant was breached and no action was taken, that covenant would be lost.

It was noted that the Charity Commission would be provided with all Trust documentation in order that they could consider whether a scheme could be developed, as referred to in the report submitted and paragraph 6 of the report submitted gave an example of the scheme granted for the 70 year lease agreement with the Mary Stevens Hospice.

A Member raised concerns that the Bowling Green Club had requested that the restrictions on playing ball games on Sundays and Good Fridays be removed and that they were restricting access to the Green by padlocking an area that should be open to the public.

The Head of Street and Green Care referred to a number of Bowling Green Clubs that operated from Trust Land and referred to ongoing discussions in order to discuss and consult on different options available to them, advising that clubs were working together to consult with their Members. It was noted that the Committee had to liaise with the Charity Commission in relation to the development of a scheme to remove restrictions in relation to playing ball games on Sundays and Good Fridays.

It was noted that in relation to saving targets and financial pressures, the Deed of Gift made provision for the Council to charge for the use of bowling greens.

Members raised concerns in relation to the consultation exercise and the responses received not being representative of the numbers of members of public who access Mary Stevens Park.

Councillor I Kettle referred to the identified savings outlined in the report submitted, requesting a statement of costs, including the benefits of the accommodation used on the Dudley Boroughs parks together with the maintenance costs and income received.

The Principal Lawyer referred to the difficulties in providing calculations should the council not occupy parks buildings.

The Chair referred to the calculations being far from straight forward as the parks were affected by charitable use.

The Finance Manager advised that it would be possible to provide notional costs and notional benefits.

Councillor H Rogers reiterated a request that consideration be given to the possibility of Bowling Clubs being requested to operate elsewhere which would alleviate the need to apply for the proposed scheme. However, it was noted that that the proposed scheme would also encompass children playing ball games in the park on Sundays and Good Fridays, as currently they were prohibited from such activities.

### **Resolved**

That, the Lead for Law and Governance be requested to consult the Charities Commission regarding the development of a “scheme” in order to lift the restriction regarding playing ball games on Sundays and Good Fridays; to remove the restriction regarding leasing land for bowling and croquet clubs and societies for the benefit of the Parks, at Stevens Park Wollescote, Stevens Park Quarry Bank and Mary Stevens Park, Stourbridge, subject to Members of the Committee being furnished with the proposed letter and supporting documentation prior to final submission to the Commission.

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## 24 **Stevens Park, Quarry Bank**

A report was submitted of the Strategic Director Place on the Heritage Lottery Fund bid for Stevens Park, Quarry Bank that had passed the first approval stage and would now enter the planning and development phase.

Arising from the presentation of the report submitted Councillor I Kettle requested further information in relation to the restrictive covenant on Homer Hill Park that restricted Sunday play.

Following the request of a Member that in future all documents and Deeds of Gift should be available at meetings which were pertinent to the Park being discussed, the Principal Lawyer responded stating that it was incumbent upon Legal Services to research all documents, and all documents in relation to parks were available for inspection at the Council Offices.

Councillor G Partridge requested that a report be submitted to a future meeting of the Committee on consultations, including expectations and lessons learnt from the recent consultation in respect of the three Ernest Stevens parks and Homer Hill Park.

The Committee was also advised that the Friends of Stevens Park, Quarry Bank were keen to pursue the proposals referred to in the report submitted, including working with Community Groups.

The Chair referred to the need to work with Community Groups in order to bring the park building back into use.

It was noted that should a scheme be agreed with the Charities Commission, the proposals to develop a partnership with a voluntary sector body in order to improve the use of the park building, developed through a lease for the building, would be submitted for final consideration to the Committee.

### **Resolved**

- (1) That the award of the development stage grant from Heritage Lottery Funding be noted.
- (2) That the proposal to develop a partnership with a voluntary sector body in order to improve the use of the park building, developed through a lease for the building or an asset transfer arrangement, subject to a scheme if agreed with the Charities Commission, be endorsed.
- (3) That the Strategic Director Place be requested to submit a report to a future meeting of the Committee relating to consultations, expectations and lessons learnt from the recent consultation in respect of the three Ernest Stevens Parks and Homer Hill Park.
- (4) That the Lead for Law and Governance be requested to provide further information to Councillor I Kettle in relation to the restrictive covenant on Homer Hill Park restricting Sunday play.

The meeting ended at 7.35pm

CHAIR