

Minutes of the Ernest Stevens Trusts Management Committee

Monday, 17th July, 2017 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

Present

Councillor I Kettle (Chair)
Councillor H Rogers (Vice-Chair)
Councillors J Cowell, T Crumpton, M Hanif and A Hopwood

Co-opted Member

M Sparks (Friends of Stevens Park, Quarry Bank)

Officers

M Farooq (Lead for Law and Governance), M Wilcox (Principal Lawyer),
M Johal (Senior Democratic Services Officer), J Croft (Finance Manager),
L Stuffins (Green Space Team Leader) and T Webb (Principal Property Surveyor).

1 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors V Wale and G Partridge and Mr C Lees (Friends of Wollescote Park)

2 Appointment of Substitute Members

It was reported that Councillors T Crumpton and M Hanif were serving as substitute members for Councillors G Partridge and V Wale for this meeting of the Committee only.

3 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.

Councillor T Crumpton – Non-pecuniary interest as a Member of Wollescote Park Group. Also in relation to any reference to Age Concern as direct discussions had been held with the group.

Councillor J Cowell – Non-pecuniary interest as a former Trustee of Mary Stevens Hospice. Also in relation to any reference to Age Concern as discussions had been held with the group in the past.

Councillor M Hanif – Non-pecuniary interest as he has attended meetings in view of being a member of Friends of Wollescote Park Group.

4 **Minutes**

Reference was made to Minute No 29, penultimate paragraph, and it was commented that it was understood that a lease could only be transferred by the Council's Community Asset Transfer team where the Council owned the land and that this did not apply to Trust land.

Resolved

Subject to clarification of the above, the minutes of the meeting held on 24th April, 2017, be approved as a correct record and signed.

5 **Terms of Reference of the Committee**

A report of the Lead for Law and Governance was submitted on the terms of reference of the Committee as approved by the Council.

Resolved

That the report be noted.

6 **Public Forum**

No issues were raised under this agenda item.

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

A report of the Strategic Director Place was submitted on a request to grant consent to Mary Stevens Hospice to renew the under lease to Lymphcare UK CIC.

Arising from the presentation of the report discussion took place on rent charges and clarification was sought on whether a profit would be made from subletting. Also it was queried why the whole site had been leased to the Hospice and confirmation was sought on building ownership, whether there was relevant insurance and if the Charity Commission had approved the lease.

With regard to rent charged the Principal Property Surveyor indicated that a market rent would be charged and with the consent of the Committee, the Hospice were able to hire and sublet parts of the site with a view to generating income. It was also reported that Lymphcare UK CIC had paid for improvements to some of the rooms on the site. With regard to the query about the Charity Commission the Principal Lawyer advised that approval was only required from the Charity Commission where leases were for longer than seven years, and as the lease was for five years, it did not apply in this case.

Resolved

That consent be granted to Mary Stevens Hospice to renew the under lease to Lymphcare UK CIC, on terms and conditions to be negotiated and agreed by the Strategic Director Place.

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

A report of the Strategic Director Place was submitted on a request to grant consent to Mary Stevens Hospice to renew the under lease to Dudley Group NHS Foundation Trust.

Resolved

That consent be granted to Mary Stevens Hospice to renew the under lease to Dudley Group NHS Foundation Trust, on terms and conditions to be negotiated and agreed by the Strategic Director Place.

9 Lease to Mary Stevens Hospice

A report was submitted on the draft scheme of the Charity Commission seeking consent to proceed with the scheme and lease to the Hospice.

Arising from the presentation of the report a Member made representations on behalf of Age Concern Stourbridge and Halesowen as the group occupied part of the site. The rent for occupying the site had been increased to £15,000 per annum and due to financial difficulties, the organisation had issued notices of redundancy to staff and there was a danger of the service ceasing together with that part of the building becoming derelict. Funding had been withdrawn by the Local Authority and concerns were expressed about increasing utility and maintenance costs which the group could not afford. Clarification was also sought on rates currently charged

as originally these charges were nominal where charities were concerned. In responding the Principal Property Surveyor indicated that the charges were not rent but were a contribution towards running costs and utility costs and had not yet been implemented. The Local Authority had agreed to pay for work for removal of asbestos, however funding had not as yet been identified to replace the boiler. Negotiations were ongoing with the organisation and a report detailing further information would be submitted to a future meeting of the Committee regarding this matter.

The Chair indicated that there were ongoing discussions in relation to contractual agreements and sought clarification on charges in relation to Mary Stevens Hospice in this regard. The Principal Lawyer stated that the Charity Commission's scheme enabled the Local Authority's Trustees to agree terms and conditions for Mary Stevens Hospice in relation to the granting of leases as long as it was in the best interests of the Charity.

Resolved

- (1) That the draft Scheme received from the Charity Commission, attached as an Appendix to the report, be noted;
- (2) That the Council proceed to confirm the Scheme with the Charity Commission and to complete the lease with Mary Stevens Hospice on terms and conditions agreed.

10 **Stevens Park and Recreation Ground Foundation Trust – Grant**

A report of the Chief Officer Finance and Legal Services was submitted on a request from Pedmore Cricket Club for a grant from Stevens Park and Recreation Ground Foundation Trust, which had been deferred from the meeting held on 24th April, 2017.

Resolved

That subject to funding being spent within twelve months, the request from Pedmore Cricket Club for a grant of £5,000 towards the cost of materials to extend and refurbish the Clubhouse from the Stevens Park and Recreation Ground Foundation Trust, be approved.

The meeting ended at 6.55 pm

CHAIR