
Meeting of the Ernest Stevens Management Trusts Committee – 23rd February, 2022

Report of the Lead for Law and Governance

Deeds of Gift

Purpose

1. As requested by the Chair of the above Committee, there should be a discussion surrounding the deeds of gift in respect of the land and buildings held in Trust by the Council. The purpose of this report is to provide information prior to this discussion for information purposes.

Recommendations

2. It is recommended:-
 - That officers and members of the above Trust Committee consider the governing documents and any scheme of the Charity Commission before a discussion and decision being made at any future meetings of the Trust Committee. Copies of governing documents/deeds of gift in respect of the four Stevens Parks have been sent by Legal Services to all members serving on the Trust Committee on 30th September 2021.
 - With regard to the other properties or land that are held in trust managed by this Trust Committee, that Ward Members are invited to all Committee meetings in order that they can discuss the report and surrounding issues but that they cannot vote on a decision being made by the Trust Committee. A list of the other trusts are set out below and other trusts can be added to the list as and when officers are aware of such trusts. Copies of the governing documents/deeds of gift can be emailed to all officers and members when a report is being delivered to the Trust Committee, in order that a full discussion can take place prior to a decision being made.

Background

3. The governing documents/deeds of gift in respect of the four Stevens Park are dated 29th September 1930 in respect of Wollescote Hall and Park, 13th February 1931 in

respect of Mary Stevens Centre and Park, Oldswinford, 6th December 1929 in respect of Studley Court, Norton Stourbridge and 29th January 1921 in respect of Tintern House and Park, Quarry Bank. Various Schemes have been granted by the Charity Commission in respect of the Stevens Park to permit the Council, as Trustee, to grant leases, deal with financial grants etc.

4. When considering a disposal of land/property (either a freehold or lease of 7 years or more), then the consent/scheme of the Charity Commission must be obtained. In addition to this an independent surveyor's report must be obtained. For leases/licences of less than 7 years, the Trust Committee can rely on a surveyor employed by the Council and there is no requirement to obtain any consent from the Charity Commission.
5. The list of other trusts across the Borough in respect of land/property is attached to this report.

Finance

6. For the purposes of this report, there are no financial implications.

Law

7. Part 7 Sections 117 – 127 of the Charities Act 2011 apply, in addition to other sections of this legislation. Sections 123 Local Government Act 1972 apply in terms of best consideration being obtained. Section 139 of the 1972 Act 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.

Risk Management

8. The proposals in this report do not lead to any material risks.

Equality Impact

9. The Trusts have been set up to benefit the public in certain geographical areas of the Borough as outlined in each Deed of Gift/Governing document.

Human Resources/Organisational Development

10. The proposals in this report do not have any direct organisational development or human resources implications.

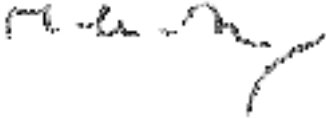
Commercial/Procurement

11. Activities are subject to the conditions set out in the Deeds of Gift and any subsequent Schemes of the Charity Commission.



Council Priorities

12. The conditions of the Deeds of Gift that govern the Trusts include the provision of facilities for recreation or other leisure time with the object of improving the conditions of life, or such other charitable purposes as the Council, as Trustee, may determine. This will contribute to the Council Plan objectives to Grow a Strong Visitor Economy, Develop Green Space and Reduce Social Isolation.



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Appendices

List of Background Documents – list of other trusts