
Ernest Stevens Trust Management Committee – 16th July 2018

Report of the Strategic Director Place

Ernest Stevens Trust – Tintern House, 74 Park Road, Stevens Park, Quarry Bank – to consider granting a new lease to The Emily Jordan Foundation

Purpose

1. To consider the request to grant a new 10 year lease to The Emily Jordan Foundation for Tintern House on completion of Heritage Lottery Fund improvements in 2021.

Recommendations

2. It is recommended that:-
 - Consent of the Trustees be formally recorded to approve a 10 year lease at peppercorn rent with break clauses to The Emily Jordan Foundation, all on terms and conditions to be negotiated and agreed by the Strategic Director of Place.
 - To approve the Heads of Terms of the lease.
 - Consent of the Trustees for Legal Services to apply to the Charity Commission for a Scheme to allow the granting of the lease on the Heads of Terms attached, and for the Charitable organisation to raise income from sales together with the other outcomes detailed in the Heads of Terms (including community work to benefit the residents/users of the Park)

Background

3. A report was submitted to the Ernest Stevens Trusts Management Committee at its meeting on the 17th April 2018 and was agreed in principle to the leasing of Tintern House to the Emily Jordan Foundation (EJF) for a peppercorn rent of 5 years with break clauses.
4. A site visit has been organised for the Trustees to acquire a greater understanding of the problems within the park and house and how working with the Lottery and the voluntary sector, significant improvements will be made to the park and the building.
5. Officers working on the project met with the Lottery Fund on 15th May 2018 for a mid term review and sign off. The Lottery Officers were particularly pleased with progress, which was being made and really like the principles of the project, which reflects some of the new ways of working proposed in their new strategic document. The Lottery Officers however stated at this meeting that they would require the Council to enter into a 10 year lease with EJF, due to the fact that their funding arrangements are for 10 years.
6. The lease will therefore be at a 10 year period at peppercorn rent with a break clauses after 3 years on 6 months' notice period, provided they meet the requirements of the Charity Commission.
7. A meeting with Emily Jordan Foundation's Chief Executive also revealed issues regarding the proposal at the April EST meeting involving the retail elements of their operation. Chris Jordan has some concerns about the way the sales will be classed as charitable donations, specifically in respect of VAT.

8. It is therefore proposed that a scheme is adopted by the Ernest Stevens Trust and sent to the Charities Commission for approval which proposes a 10 year lease arrangement. The Council does have examples of the Charity Commission granting a Scheme to permit the granting of a lease, e.g. Mary Stevens Hospice and Mary Stevens Centre. An approval is also required for the Charitable organisation working from Tintern House to run activities to generate income. The income from sales and the work with Adult Services through personal budgets will assist in providing the community outcomes and help to maintain the building and improve the usage of the park.
9. The Deed of Gift for the park was written to protect the park and buildings given to the Council. Ernest Stevens was concerned about the future use of land and made sure the Deed of Gift covered all eventualities. As part of the interpretation of the park, we will include interpretation of the Deed of Gift and its importance to the sustained heritage of the Park. It will be exactly 100 years since the Deed of Gift was developed to when the Park project capital works will be complete subject to the support of the scheme by HLF. Should this be the case, we would anticipate having a 100 years celebration in 2021 when we start operating the Emily Jordan Foundation project from Tintern House.

Finance

10. The funding for the project is dependent on a successful bid to the Heritage Lottery in August 2018. The Council will hear if the bid is successful in December 2018. If confirmed, it will start up in January 2019 and be delivered over 3 years. Most of the match funding is now in place for this project. The total cost of the project at the delivery stage will be £1.59m requiring 10% match funding.

Law

11. 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.
12. Sections 139 of the Local Government Act 1972 empowers the Council to accept, hold and administer gifts of property which it enables them to discharge any of their functions and where the gifts are for the purposes of benefiting the inhabitants of their area.
13. 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.

Equality Impact

14. This report takes into account the Council's equal opportunities policies.
15. The work delivered by the Emily Jordan Foundation will provide significant opportunities for people with a learning disability. The Lottery would also like the project to focus some of the activity planning work on Black and minority ethnic communities in the Lye area.

Human Resources/Transformation

16. There are no Human Resources/Transformation implications.



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Strategic Director Place

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List of Background Papers:

- Report / Minutes – 17th April 2018
- Location plan
- Draft Heads of Terms
- Plan showing the proposed masterplan