



# **Ernest Stevens Trusts Management Committee**

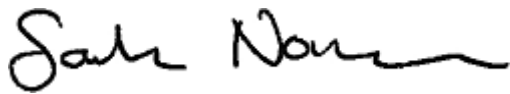
**Monday 13<sup>th</sup> February, 2017 at 6.00pm**

**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 27<sup>th</sup> October, 2016 as a correct record.
5. Payment of Grant - Stevens Park and Recreation Ground Foundation Trust.
6. Proposed location of Frank Foley Statue.
7. Temporary use of space at Mary Stevens Centre during refurbishment and extension works at Mary Stevens Hospice.
8. Future parking provision at Mary Stevens Hospice – Update.
9. Bowling Green and Sunday Play Consultation.
10. Stevens Park Quarry Bank.
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: 3<sup>rd</sup> February, 2017**

**Distribution:**

**Members of the Committee:**

Councillor J Cowell (Chair) - Quarry Bank and Dudley Wood Ward

Councillor V Wale (Vice-Chair) - Lye and Stourbridge North Ward

Councillor I Kettle - Pedmore and Stourbridge East Ward

Councillor A Hopwood - Wollaston and Stourbridge Town Ward

Councillor G Partridge - Cradley and Wollescote Ward

Councillor H Rogers - Norton Ward

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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**

Thursday, 27<sup>th</sup> October, 2016 at 6.00 p.m.  
in Committee Room 3, The Council House, Dudley

### **Present**

Councillor V Wale (Vice-Chair in the Chair)  
Councillors A Hopwood, I Kettle, G Partridge, H Rogers and D Sparks

### **Officers**

M Farooq (Lead for Law and Governance), M Wilcox (Principal Lawyer),  
S Griffiths (Democratic Services Manager), J Croft (Finance Manager), G Dean  
(Head of Street and Green Care), L Stuffins (Green Space Team Leader), J Butler  
(Group Engineer) and M Cox (Team Manager Valuation and Transactional  
Services)

C Towns (Matron – Mary Stevens Hospice) attended for Minute No. 11 below only.

Together with 8 members of the public

### **7 Apologies for Absence**

Apologies for absence were received on behalf of Councillor J Cowell.

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### **8 Appointment of Substitute Member**

Councillor D Sparks was serving as a substitute for Councillor J Cowell for this meeting of the Committee.

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### **9 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 D Sparks – Non-pecuniary interest as Chair of the Friends of Quarry Bank Park.

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

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10 **Minutes**

In connection with Minute No. 5, reference was made to the future parking provision at Mary Stevens Hospice. Further information would be discussed at the next meeting of the Committee at which time the need for a site visit would be considered.

The Group Engineer indicated that further discussions would take place with the resident of Lea Vale Road as referred to in Minute No. 3 (options to deal with parking issues and congestion around Mary Stevens Park).

**Resolved**

That, the minutes of the meeting held on 13<sup>th</sup> July, 2016, be approved as a correct record and signed.

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11 **Mary Stevens Hospice – Update/Presentation on Proposed Plans**

Further to Minute No. 5 of the meeting held on 13<sup>th</sup> July, 2016, the Committee received a verbal presentation from C Towns, concerning the progress of the project for Mary Stevens Hospice including the planned refurbishment and extension works.

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12 **Terms of Reference of the Committee**

A report was considered on proposed amendments to the Committee's terms of reference following correspondence with the Charity Commission.

A Member suggested that paragraphs 2, 4 and 5 of the proposed terms of reference should be amended to include the words "...within the terms of the appropriate governing documents." In addition, paragraph 7 should be amended to include the addition of the words "...and obtain advice from the Charity Commission."

The Lead for Law and Governance indicated that it was implicit that the Council could not act in contravention of the relevant governing documents and that the proposed amendments, as set out in the report, had been agreed with the Charity Commission.

The revised terms of reference would be incorporated into the annual review of the Constitution, to be considered by the Council at its meeting on 5<sup>th</sup> December, 2016.

**Resolved**

That the Council be recommended to approve the revised terms of reference as referred to above.

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13 **Ernest Stevens Trusts – Composition of the Committee**

A report was submitted on the composition of the Committee, including a proposal to consider the appointment of three non-elected, non-voting co-opted members to serve on the Committee. The Charity Commission had confirmed its support to this proposal in order to deal with any potential conflicts of interests and introduce some independence to protect the best interests of the beneficiaries of the Charity.

The Committee was advised of the eligibility requirements for the co-opted members, who would be appointed to serve for three years. It was proposed that the co-opted members should initially be nominated, on the basis of one co-opted member per park, from the Friends of Mary Stevens Park, Norton, the Friends of Stevens Park, Quarry Bank and the Friends of Stevens Park, Wollescote. Although the co-opted members would be non-voting, they would contribute fully to the discussions and considerations of the Committee.

A Member suggested that consideration be given to widening the opportunity for appointing co-opted members from across the Borough, rather than limiting this to the three Friends of the Parks groups. In addition, the use of the term 'non-elected' was clarified as meaning a 'non-Councillor'. The co-opted members would not have voting rights and it was noted that this was consistent with the requirements that applied to other Council Committees. Following a discussion, it was acknowledged that the arrangements could be reviewed after a period of time.

The Committee requested the Lead for Law and Governance to consider the future induction arrangements for the co-opted members and the provision of training for Councillors and employees who served on other bodies of a charitable nature.

**Resolved**

That subject to the comments of the Committee, the proposals for the appointment of three co-opted members be approved on the basis set out in the report.

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14 **Bowling Green and Sunday Play Consultation**

The Committee considered a report on proposals to undertake consultation on the issue of playing ball games on Good Fridays and on Sundays in the parks where restrictions currently applied and in relation to proposals to explore leasing arrangements for bowling green/croquet provision in the parks.

Concerns were expressed that the proposed consultation period was insufficient and that the owners of all properties adjoining the parks should be notified of the consultation process. The Committee was of the opinion that the consultation period should be extended to four weeks and that the consultation process should be promoted at the Community Forums in November, 2016. The Green Space Team Leader confirmed that all interested persons would be encouraged to respond to the consultation.

Concerns were expressed about the reference to the ownership of the parks in Appendix 1 to the report. It was clarified that the Council was the Trustee rather than the owner and the consultation document would be amended accordingly. A Member expressed the view that the obligations of the Council as the Trustee outweighed the budgetary considerations and it was inappropriate to consider transferring maintenance responsibilities to small clubs. In addition, concern was expressed regarding the ability of this Committee and the Council to amend the original Trust Deeds and the consultation should include reference to the legal issues. Officers were requested to clarify that any changes would require approval from the Charity Commission.

The Committee was advised that the consultation was an initial stage and any proposed changes to the Deed of Gift would be subject to consent of the Charity Commission based on all relevant and available information.

Reference was made to consultation on the Council's Medium Term Financial Strategy, which encompassed all areas of Council activity. The proposed bowling green and Sunday play consultation was not a statutorily required process and the issue would be considered further based on all the information and responses received to the consultation exercise.

#### **Resolved**

That subject to the necessary amendment of the consultation document and to the extension of the consultation period, as referred to above, the proposed bowling green and Sunday play consultation be noted.

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#### 15 **Grant Application – Stevens Park and Recreation Ground Foundation Trust**

The Committee considered a report on an application received from Stourbridge and District Scout Association for a grant of up to £5,000 from the Stevens Park and Recreation Ground Foundation Trust.

The Committee requested further information on the sources of funding received by the Association towards the renovation of its Headquarters, including clarification as to whether an application had been made to the relevant Community Forum.

#### **Resolved**

That consideration of the application be deferred pending the circulation of further information to Members of the Committee.

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#### 16 **Ernest Stevens Trusts – Final Accounts**

The Committee considered a report seeking approval to the accounts of the individual Trusts comprising the Ernest Stevens Bequests. An updated statement of financial activities for the year to 31<sup>st</sup> March, 2016 was circulated at the meeting.

**Resolved**

- (1) That the accounts of the Trusts be approved on behalf of the Council in its capacity as Trustee.
- (2) That the Vice-Chair be authorised to sign the accounts in the absence of the Chair.

The meeting ended at 7.25pm

CHAIR

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**Ernest Stevens Trusts Management Committee – 13<sup>th</sup> February, 2017**

**Report of the Chief Officer Finance and Legal Services**

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

**Purpose of Report**

1. To update Committee on payment of a grant from Stevens Park and Recreation Ground Foundation Trust to Stourbridge and District Scout Association.

**Background**

2. At the previous meeting of this Committee on 27<sup>th</sup> October 2016, an application for up to £5,000 funding towards improvements to the Scout Association headquarters was submitted. Members requested that further details of funds already received by the Scout Association towards this work be obtained prior to any approval to award. The report and minutes of the last meeting are available on the Council's website: <http://cmis.dudley.gov.uk/cm5/Meetings/tabid/116/ctl/ViewMeetingPublic/mid/543/Meeting/5273/Committee/486/SelectedTab/Documents/Default.aspx>
3. The Scout Association provided more detail of their fund raising, and this was circulated to Members in order to enable them to make a decision. There were three approvals, and no dissensions, and so a payment of £5,000 was made to the Stourbridge and District Scout Association prior to Christmas 2016. Members of this Committee were informed of this.
4. An email from the Scout Association has been received thanking the Committee for payment of the grant.

**Finance**

5. No other grants have previously been awarded during the current financial year. The grant payment will be financed from the income of the Trust.

**Law**

6. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
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 benefiting the inhabitants of their area.



8. 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.
9. 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**

10. 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**

11. That the Committee note the payment of grant as detailed in the report.



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**Chief Officer for Finance & Legal Services**

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**List of Background Papers**

Email received from Stourbridge and District Scout Association

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**Ernest Stevens Trust Management Committee – 13<sup>th</sup> February, 2017**

**Report of the Strategic Director Place**

**Proposed location of Frank Foley Statue**

**Purpose of Report**

1. To consider the location of the proposed bronze statue of the “British Schindler” Frank Foley, in Mary Stevens Park (or if need be, elsewhere in Stourbridge).

**Background**

2. Frank Foley, sometimes known as “the Spy who saved 10,000 Jewish people” or the “British Schindler”, spent his retirement years living quietly and anonymously at Eveson Road in Stourbridge, and his grave is in the nearby Cemetery. Since his death in 1958, and especially since the publication of a book by Michael Smith, recognition of his achievements has been steadily growing, and a tree was planted recently in his memory in Mary Stevens Park, also at the park entrance is a very fine large carved stone plaque that was sited in 2004 and unveiled by Rabbi Julia Neuberger with national press interest, on the 120<sup>th</sup> Anniversary of his birth. In 2016 the citizens of Dudley were honoured to be offered a unique “one off” Treasury grant of £40,000 towards a memorial statue of Frank Foley for his adopted home town - the grant was allocated directly by the former Chancellor, George Osborne in recognition of Foley’s national and international importance, and is held by Dudley Council.
3. Accordingly, the Council’s resident Public Artist has created sketch concepts for a bronze figure of Foley. Ian Austin MP, and Margot James MP, who have been key figures in the campaign for a Foley statue, feel that the statue should ideally be informal, a seated figure on a bench so that local people and visitors can sit beside him (rather like the popular figure of the Victorian poet Ben Boucher that was placed in Dudley Market Place in early 2016). An ideal site would therefore seem to be within Mary Stevens Park, not far from his former residence at Eveson Road or the Cemetery where he rests, for example on a suitably modified bench within the newly created “Tea Garden” - a location that would also provide good security for a valuable bronze statue, as it is fenced off at night.
4. On the other hand, some concerns have been expressed, at least in informal consultation with representation from the Park Friends, that to place the statue within the park, when seen in conjunction with the other tributes of tree and plaque, might possibly be seen to eclipse the work of Ernest Stevens himself, who gave the park and building to the people of Stourbridge in memory of his wife. The statue suggestion has not however as yet been placed formally before the Park Friends group, as the importance of the matter seemed in the first place to call for guidance from the Stevens Trust.

5. The Members of the Ernest Stevens Trust are therefore asked to consider whether they would be happy to see the statue sited within the Park, and if found acceptable, to approve the suggested site in the Tea Garden to be put forward to the Friends Group with their recommendation; or if not thought appropriate, to suggest other sites in Stourbridge.

## Finance

6. The Committee is responsible for the administration of all the Stevens Trusts, including the financial affairs of the Trusts. The specific statue project has an overall fund of £40,000 (plus any vat, as this can be reclaimed by the Council) - this grant fund will be enough to complete the designs (including a 3d model), and also to make a full size version in clay and cast it in bronze, and to design and create the fixings and foundations, and to install the statue on site, and also to administer the commission throughout. The Treasury has asked to see copies of Accounts at the end of the project, and that the source of the grant (from Libor fines held by the Treasury) is to be acknowledged in the publicity; they do not set any requirement for a timetable or ask to approve designs, although it would seem logical to complete the project by or during 2018, the 60<sup>th</sup> anniversary year since Foley's death.

## Law

7. The Council is successor to the former Stourbridge Council by virtue of the Local Government Act 1972.
8. 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.
9. The conditions under which a gift is to be administered are contained in the Deeds creating the Trusts, such as the **Stevens Trust**, and any subsequent schemes made by the Charity Commission. With particular reference to the **Stevens Trust** the **provision for memorials** is contained within item no. 2 of the second schedule which reads: "no buildings shall be used or erected on the said land hereby assured *other than* those necessary for supervision and for the layout of the land as a Park and Recreation Ground and/or for the use of the Public in visiting the Park and using the Recreation Ground or a free public reading room, free library, picture gallery, public baths, public offices, public hall, or any **public memorial** or any or all of them..."
10. 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.
11. 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.
12. Planning and Development Services will need to approve the final location for the statue.

## **Equality Impact**

13. The Stevens Trusts were set up to generally benefit all members of the public living in certain geographical areas of the Borough as outlined in the Deeds of Gift. The statue project could certainly be seen as of great public benefit to the area around Mary Stevens Park and Stourbridge Town Centre. There are no specific sensitive implications for children and young adults arising from this report, apart from the obvious benefit of helping to teach them about the history of the Holocaust and the important role of Foley as a local hero.

## **Recommendation**

14. That the Committee consider in discussion whether they would like to see the statue located within Mary Stevens Park, in particular within the Tea Garden area, and if thought acceptable, to put forward their thoughts regarding the suitability of this site, for further consideration by the Mary Stevens Park Friends Group.
15. If the site is not thought suitable, the Committee's views are requested on possible alternative sites within the Town Centre, for further consideration by the Commission organisers.



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

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## **List of Background Papers**

- (i) Sketches for bronze Foley statue on park bench; and standing at gate
- (ii) Existing Foley stone plaque; and memorial tree
- (iii) Existing statue of Poet on bench in Dudley
- (iv) Letters of Support from **Ian Austin MP** and **Margot James MP** with respect to the statue project and their preferred choice of site, in the Park (to be tabled at meeting).

**Ernest Stevens Trusts Management Committee – 13<sup>th</sup> February 2017**

**Report of the Strategic Director of Place**

**Ernest Stevens Trust – Temporary use of space at Mary Stevens Centre during refurbishment and extension works at Mary Stevens Hospice**

**Purpose of Report**

1. To consider the request to grant Mary Stevens Hospice temporary occupation of spaces/rooms at Mary Stevens Centre for the duration of the refurbishment and extension works by way of a lease.

**Background**

2. Mary Stevens Centre is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
3. Mary Stevens Hospice hold a 50 year lease from the Council (as Trustees of the Ernest Stevens Trust) of land and premises at Hagley Road, Stourbridge from 30 October 1990. Consent was granted by the Ernest Stevens Trust Management Committee at its meeting on 13<sup>th</sup> July 2016 for a new lease with a minimum 75 year term and for refurbishment and extension works to the Hospice to be carried out.
4. Age Concern who occupies the whole of the ground floor at Mary Stevens Centre has offered to accommodate the Hospice for the duration of the refurbishment and extension works.
5. The Hospice intends to use the ground floor dining room wing for the Fundraising and Lottery Team, whilst they temporarily relocate the Day Unit to offices in the Hospice's lower car park.
6. Should consent be granted by the Ernest Stevens Trust Management Committee, the Hospice would like to get contractors in very soon afterwards to make the dining room wing of the Mary Stevens Centre fit for their occupancy. The main work will be redecoration and the creation of new male and female toilets along with a new tea point.
7. Furthermore, work is required to the offices that have been offered to the Hospice along the main corridor (redecoration, installation of IT, telephones, security considerations, office furniture, etc.) before they can relocate their Finance Department and other non-clinical staff, who will be displaced from the Day Unit itself. The Hospice would like this to start at around the same time with the minimum of inconvenience to Age Concern and other occupants.
8. It is important to emphasise that the Hospice are not proposing to use any of the spaces offered for clinical use and on reflection they believe that the temporary use of the Fundraising and Lottery building is a preferable option for many reasons. The Hospice will be required to make a contribution towards utility costs and repairs for the space they occupy and for which they have budgeted.

9. Current estimates are that the project will complete in June 2018, though the Hospice may be able to move out of the Centre before that once the first floor extension (the initial element of the work) is completed – having added value to the building and helped defray the cost of running it in the process.
10. Consent is therefore required by the Ernest Stevens Trust Management Committee to grant Mary Stevens Hospice temporary occupation of spaces/rooms at Mary Stevens Centre by way of a lease for the duration of the refurbishment and extension works, on terms and conditions to be negotiated and agreed.

### **Finance**

11. There are no financial implications to the Trustees

### **Law**

12. 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.
13. 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.
14. 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**

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

### **Recommendation**

16. It is recommended that the Ernest Stevens Trust Management Committee consider the proposal to approve 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 and agreed, on terms and conditions to be negotiated and agreed by the Strategic Director of Place.

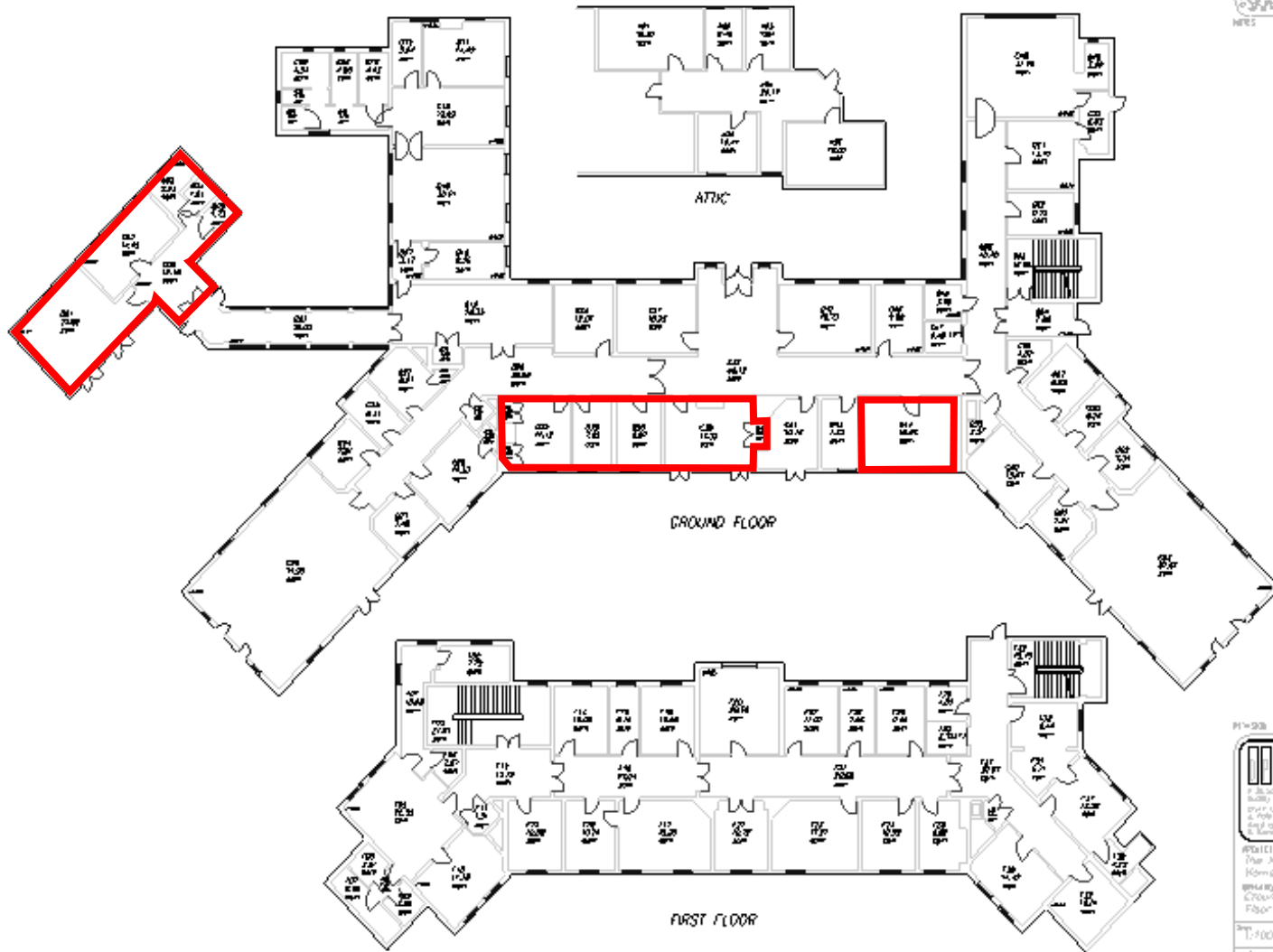


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**Alan Lunt**  
**Strategic Director of Place**

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### **List of Background Papers:**

- Council Directorates comments.
- Plan of Ground and First Floor Rooms



Dudley Property Consultancy  
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

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 Home, Slough

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 Church, Hall and 400  
 Floor Plans

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**Ernest Stevens Trust Management Committee - 13th February 2017**

**Report of the Strategic Director - PLACE**

**Bowling Green and Sunday Play Consultation – Mary Stevens Park, Norton, Stevens Park, Quarry Bank, Stevens Park, Wollescote and Homer Hill Park, Halesowen.**

**Purpose of Report**

1. The purpose of this report is to update the Trust Management Committee 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.

**Background**

2. The Ernest Stevens Trust received a report in October 2016 about the proposal to consult with residents around the Trust Parks. This consultation was to provide information for the beneficiaries of the Deed of Gift, about the current restrictions on playing ball games on Sundays and Good Fridays, and the proposal for leasing of land to sports clubs.
3. A decision was reached that a public consultation would be necessary in order to establish how the users and beneficiaries of the Park felt about the proposals.
4. An on line questionnaire was developed and promoted as widely as possible across the Dudley Borough. A number of questionnaires were also made available in local libraries. The on line consultation was also promoted through the Community Forums meeting in November 2016, posters were placed in noticeboards on the parks and in other community buildings and an advert was placed in the press.
5. We received 881 responses to the consultation with the majority of the respondents in favour of playing games on Sundays and Good Fridays and the majority also in favour of leasing the greens to a bowling/ croquet club in order to maintain the green in a cost effective manner. The results are as follows: -



	Yes	No
Q1 Do you agree that the public should be allowed to play ball games on Sundays and Good Fridays at the 3 Ernest Stevens parks and Homer Hill Park?	88%	12%
Q 2 Do you agree the bowling greens and croquet lawn should be leased to the clubs or organisations that use them?	86%	14%

6. As a result of this positive feedback from the public who are the beneficiaries of the Deed of Gift it is proposed, that the Charity Commission are written to and provided with details of the survey, details of the proposed heads of terms of the proposed leases and requested that a Scheme be granted in respect of them, much like the scheme that was granted for the 70 year lease agreement with the Mary Stevens Hospice. An application will also need to be made to the Charity Commission for a Scheme to allow the playing of ball games on a Sunday and Good Fridays.
7. It is considered not necessary to apply for a Scheme in respect of the playing of ball games at Homer Hill Park owing to the fact that organised ball games have been played at this park on a Sunday for many years and the Council, as Trustee, has no record of enforcement proceedings.

### **Finance**

8. Like most public sector organisations, the future delivery of a number of services will be dependent on the voluntary sector. This is reflected within the Community Council agenda. The Medium Term Financial Strategy will be very difficult to implement if the Authority cannot engage successfully with other partners. Services could be lost completely if these partnerships are not developed quickly.
9. The Medium Term Financial Strategy has identified £79,000 savings in relation to bowling greens (the difference between the cost of maintenance and the income generated) and has identified further savings related to improving income targets.
10. Failure to deliver these savings will compromise the Council's medium-term financial plan and impact on essential services.

### **Law**

11. Section 1 of the Localism Act 2011 which provides Councils with the general power of competence to do anything that individuals generally may do, subject to Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 which gives power to authorise dealings with charity property. Section 117 (3)(d) provides that the Council, as Trustees, can grant a lease to any beneficiary otherwise than for the best rent that can reasonably be obtained and that is intended to enable the

demised premises to be occupied for the purposes, or any particular purpose of the charity.

### **Equality Impact**

12. Our parks and open spaces provide an essential environment for all sectors of the community to engage and prosper.

### **Recommendation**

13. To request Legal Services to consult the Charities Commission about the development of a “scheme” in order to lift the restriction regarding playing ball games on Sundays and Good Fridays and to remove the restriction about leasing land for bowling and croquet to clubs and societies for the benefit of the Parks, at Stevens Park Wollescote, Stevens Park Quarry Bank and Mary Stevens Park, Stourbridge.



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**Alan Lunt**  
**Strategic Director - PLACE**

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**Ernest Stevens Trust Management Committee - 13<sup>th</sup> February 2017**

**Report of the Strategic Director Place**

**Stevens Park, Quarry Bank**

**Purpose of Report**

1. The purpose of this report is to update the Trust on the Heritage Lottery Fund bid for Stevens Park Quarry Bank which has passed the first approval stage, and will now enter the planning and development phase.

**Stevens Trust, Quarry Bank**

2. The Friends of Stevens Park Quarry Bank have been working with the Local Authority for many years now in order to restore the park and develop its Heritage features for community benefit. A bid to the Heritage Lottery fund was made unsuccessfully in Feb 2016, and a further bid was made in August 2016 which has been successful. The Local Authority were notified in December 2016, and promotion in the local press was approved in early January 17.
3. The main focus for the Friends of the Park is the White house and plans have been developed and public consultation carried out in 2014. The White house development will make a significant improvement to the park, acting as a hub for activity and providing a meeting space, training centre and community cafe. The designs for the White house were presented to the Ernest Stevens Trust in July 2016.
4. Research into which voluntary sector partners would be able to assist on this project has taken place in order to help to make this project sustainable. A number of organisations have shown an interest in this project. Partnerships with these organisations will be developed as part of the next phase of the project.
5. Heritage Lottery Fund have approved the funding for the planning and development phase of the project which is £155,681. This funding will be mainly spent on Architects, surveyors and Landscape Architects fees to develop the second stage of the bid which will draw down the funding for the delivery stage award of £1.59m
6. The delivery stage of the project will restore other areas of the Park such as the Peace gardens, entrance gates, bandstand, boundaries, paths, benches and trees. There will also be a horticultural training programme developed as part of the project.

7. Heritage Lottery Fund are very keen to see the Local Authority work closely with the voluntary sector in partnership. DMBC would like to develop the community council concept in order to run a community facility within the building and to make the park thrive. It is suggested that a lease arrangement with the council maybe the best way forward for this partnership to operate successfully.
8. The Ernest Stevens Trust will need to consider whether a lease with a voluntary sector organisation to develop sustainable solutions to the long term maintenance of Tintern House is the best way forward.

### **Finance**

9. A new use for the building will hopefully breathe life into the park and reduce the risk of antisocial behaviour on the park. Thus reducing the maintenance costs for the Council
10. The volunteer time from the Friends and other volunteers will help to draw down funding, which is classed as match funding by the Heritage Lottery Fund.
11. Match funding of approximately 10% of the total cost has been allocated to this project through capital resources. Unlike previous HLF projects the Council has no revenue resources to commit to this project, and will therefore rely on other sources of funding from partnerships with voluntary sector organisations.

### **Law**

12. Section 111 of the Local Government Act 1972 which allows the Council to do anything that is calculated to facilitate or conducive to the discharge of statutory functions. Section 1 of the Localism Act 2011 which provides Councils with the general power of competence to do anything that individuals generally may do, subject to Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 which gives power to authorise dealings with charity property

### **Equality Impact**

13. The provision of funding for this project will enable training and development work with volunteers and young people, who might otherwise have difficulty accessing training programmes.
14. Heritage Lottery Funding and Big Lottery funding contributes towards the Parks for people programme. It is very important that the project has social outcomes such as improvements to accessing information and education. The project will provide opportunities for learning in an informal setting.

### **Recommendation**

15. It is recommended that:-
  - Trustees note the award of the development stage grant from HLF

- Trustees consider the proposal to develop a partnership with a voluntary sector body in order to improve the use of the park building. This proposal would be best developed through a lease for the building or an asset transfer arrangement, similar to the leases at Mary Stevens Centre with the voluntary sector. This lease would be subject to a scheme agreed with the Charities Commission.



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