
Ernest Stevens Trusts Management Committee – 17th July 2017

Report of the Strategic Director Place

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

Purpose of Report

1. To consider the request to grant consent to Mary Stevens Hospice to renew the underlease to Dudley Group NHS Foundation Trust.

Background

2. Mary Stevens Hospice is part of the Ernest Stevens Trust and Dudley Borough Council are the Trustees. The function of the Trustee has been delegated to the Ernest Stevens Trusts Management Committee by the Council's constitution.
3. Clause 2(21) of the current Hospice lease contains a covenant against subletting but the Trustees can give consent to it as they did to the original lease to Dudley Group NHS Foundation Trust.
4. Consent was granted at a meeting held by the Ernest Stevens Trusts Management Committee on 9th September 2014 under Minute No. 8 for the underletting to Dudley Group NHS Foundation Trust. A formal deed of variation was drawn up by the Council's Solicitors to enable the underletting.
5. Dudley Group NHS Foundation Trust currently occupies the First Floor Office Annex at the Lodge at Mary Stevens Hospice, 221 Hagley Road, Oldswinford, Stourbridge by way of an underlease dated 22nd October 2014, on a 3 year lease agreement. The tenants work closely with the Hospice to deliver an enhanced service to users.
6. Mary Stevens Hospice has now requested consent to a lease renewal to Dudley Group NHS Foundation Trust by way of a further 3 year lease and therefore requires authority from the Trustee, as landlords, to approve the underlease at market rent on terms and conditions to be negotiated and agreed.

Finance

7. There are no financial implications to the Trustees.

Law

8. 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.
9. 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.

10. 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

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

Recommendation

12. It is recommended that the consent of the Ernest Stevens Trust Management Committee be formally recorded to allow Mary Stevens Hospice to renew the underlease to Dudley Group NHS Foundation Trust on terms and conditions to be negotiated and agreed by the Strategic Director of Place.



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Strategic Director Place

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