

**Minutes of the Ernest Stevens Trusts Management Committee
Monday, 31st January, 2022 at 6.00pm
in Committee Room 3, Council House, Dudley**

Present:

Councillor I Kettle (Chair)
Councillor L Taylor-Childs (Vice-Chair)

Councillors J Cowell, R Clinton, M Hanif and A Hopwood

Co-opted Members

H Rogers (Friends of Mary Stevens Park, Stourbridge)
D Sparks (Friends of Stevens Park, Quarry Bank)
J Marks (Friends of Stevens Park, Wollescote)

Officers:

E Bradford (Head of Street and Green Care and Amenity Services), M Bieganski (Strategy and Governance Section Manager), H Coldicott (Team Manager – Facilities Management), D Fildes (Parks Development Manager), C Ludwig (Finance Manager), and L Jury (Democratic Services Officer)

Also in attendance:

Councillors A Davies and Z Islam - Ward Councillors for Brierley Hill – for agenda item no. 6
Councillor N Neale – for agenda item no. 11
Together with four Members of the Public

25 **Apology for Absence**

An apology for absence was submitted on behalf of Councillor T Crumpton.

26 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

27 **Minutes**

Resolved

That, the minutes of the meeting held on 25th October, 2021, be approved as a correct record and signed.

28 **Change in order of business**

Pursuant to Council Procedure Rule 13 (c)

Resolved

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

29 **Installation of a Defibrillator at Wollescote Park**

A report of the Acting Director of Public Realm was submitted on a proposal submitted from the Friends of Wollescote Park to install an Automated External Defibrillator (AED) in Wollescote Park. The Chair was of the opinion that this item of business should be considered as a matter of urgency, pursuant to Section 100B(4)(b) of the Local Government Act 1972, in view of the timescales and deadlines involved with this work.

The Parks Development Manager presented the report, and in doing so, advised that the Friends of Wollescote Park had received funding to install a defibrillator in the park. The importance of an electricity supply to the unit was noted in order to keep the unit charged ready for use and to keep the unit at a minimum heated temperature. A suitable position to install the unit had yet to be identified, due to the requirement of an electricity supply. It was noted that a proposal to install the unit on to a wall of Wollescote Hall, had been met with concern by the Conservation Heritage Officer due to the hall's Grade II listed building status.

In conclusion, the Parks Development Manager referred Members to the recommendations as set out in the report and advised Members that if the installation of an AED into Wollescote Park was approved, a suitable location for the installation would be identified in consultation with the Conservation Heritage Officer.

Arising from the presentation of the report, the Chair expressed concern regarding the proposed location of the unit on the wall of the hall and proposed that the unit be situated on the car park at the park where it would be fully visible to the public, acknowledging that an electricity supply would need to be identified.

The Chair of the Friends of Wollescote Park stated that the Group would be satisfied if the unit was positioned in any prominent position within the park with a suitable electricity supply and advised that the unit had both adult and paediatric pads which would benefit all park users.

In response to the issue of potential vandalism to the unit, the Chair of the Friends Group advised that this could be a potential issue wherever the unit was situated, however, it was noted that defibrillators that had been installed in other areas, had been treated with respect by the public, due to their essential function, and insurance for the defibrillator was also being investigated. The Friends Group had also indicated that they would undertake monitoring and a monthly check of the unit.

In conclusion, the Chair proposed that the defibrillator unit be situated in view of the closed-circuit television (CCTV) cameras that were installed in the park, if at all possible, with a suitable electricity supply, and that any proposed position identified by Officers be emailed to Members for consideration and comments.

Resolved

- (1) That the Parks Development Manager, in consultation with the Conservation Heritage Officer, identify a suitable position for the installation of the defibrillator in a prominent position, under the surveillance of CCTV cameras, with an electricity supply, and copy of the proposal to be supplied to Members to consider and comment.
- (2) That approval for the installation of the defibrillator in Wollescote Park, be delegated to the Chair in consultation with the Lead for Law and Governance.

30 Play area at Stevens Park, Wollescote

The Committee received a verbal report from the Parks Development Manager on the progress that had been made with the refurbishment of the play equipment at Stevens Park, Wollescote.

It was advised that Officers had consulted with the Friends of Stevens Park, with regard to a proposal on play equipment, and as a result, several play companies had been contacted. It was noted that, in line with the Council's Standing Orders procedure, a company known as Wickstead had secured the contract for £57,000 which had now been placed. It was advised that the Friends Group had been awarded £45,000 from the Enover Trust and £10,000 had been awarded from a Community Forum grant. The Council would also be contributing £8,000.

Reference was made to the improvements to the drainage on the car park which had already been undertaken to address flooding issues which had caused damage to the surfacing of the play area, and the issue with regard to a build-up of leaves in the area was also being investigated.

It was advised that some play equipment to be installed outside of the play area would include a climbing net, a multi-purpose slide, and apparatus for the junior age group. Improvements to be carried out inside the play area would include the surface to be refreshed and renewed where necessary, the climbing net to be refurbished, renewing the swing base, installation of a wheel-chair accessible roundabout, together with some smaller items of play equipment to be installed, repainting of existing equipment, and improvements to be carried out on the entrance to the play area.

It was noted that this work would cover Phase One of the project and discussions were being undertaken with the Friends Group with regards to Phase Two which would include the installation of a Mobility Swing – a swing unit where a wheelchair could be secured and used. It was noted that installation of the swing would cost between £15-£20,000. Discussions were being undertaken with the contractor to confirm costs and to identify a suitable position for the swing to be installed. It was noted that a Mobility Swing that had been installed in Mary Stevens Park, was widely used and had been commended by users and their families. Funding for the swing was being sought by the Friends Group.

In conclusion, the Parks Development Manager advised that it was anticipated that Phase One of the project would take between 5 to 6 months, however the on-going issue with the supply of steel was acknowledged and it was noted that the Friends Group would be regularly informed of progress.

In response to a question raised by the Chair of the Friends of Mary Stevens Park with regard to public access to the swing unit in the park, the Parks Development Manager confirmed that access to the swing would be via a radar key, the same as the system in place at Mary Stevens Park, and whilst acknowledging that straps to clamp down the wheelchair were held at the hub in Mary Stevens Park, it was advised that Officers would identify a similar process to be used at Wollescote. It was advised that radar keys were also used to open gates, barriers, etc for people with mobility issues and were widely available to the public.

The Chair of the Friends Group Wollescote Park suggested that the Mobility Swing could be positioned in the sensory garden that was now in place at the park, as this area was seen as a safe place. It was noted that the play equipment had been selected based on accessibility to all and to increase social interaction with children which had been badly affected during the pandemic. It was reported that the park would be celebrating their 90 year anniversary this year.

The Vice-Chair suggested that Officers contact Communications and Public Affairs (CAPA) to promote the project being undertaken in the park and in response, the Parks Development Manager confirmed that CAPA would be contacted upon completion of Phase One of the project.

Resolved

That Officers email Members with the timescales for the project and CAPA be contacted on completion of Phase One of the project to enable promotion of the work undertake.

31 Verbal progress update on the Walled Garden, Stevens Park, Wollescote

The Committee received a verbal report on progress made on the Walled Garden, Stevens Park, Wollescote.

In presenting the report, the Team Manager – Facilities Management, advised that two sections of the wall that had previously collapsed had now been rebuilt. It was noted that one further section of the wall, positioned between the walled garden and the park, now needed to be replaced as it was in a poor condition and leaning in different directions and was currently being secured behind timber hoarding for safety reasons.

It was reported that at the meeting of the Committee on 19th July 2021, the Committee had approved Option One of a proposal to demolish the existing wall and rebuild in a sympathetic style, using new handmade bricks, at an estimated cost to rebuild being £170,000. The Committee had requested that other funding sources be identified to contribute towards the cost of the works, and it was reported that two potential funding sources had been identified. Officers in Corporate Landlord Services, in conjunction with colleagues in Regeneration Services, would be submitting a bid to the Enover Trust for a maximum award of £100,000, and the application would need to be submitted before 19th March with the funding, if successful, to be awarded mid-April 2022.

It was advised that an earlier bid had not been submitted to the Enover Trust as Officers had been aware that a bid had already been submitted to this Trust for play equipment at Stevens Park.

Reference was made to the Council's Community Infrastructure Levy, as the second potential funding source, and it was reported that a £170,000 funding request for the project had been submitted and planners would be looking to present any recommendations to the Regeneration and Enterprise Strategy Group in the next few months. It was advised that the final recommendations would be signed off by the Cabinet and the estimated date for the funding decision would be April 2022.

In conclusion, the Team Manager – Facilities Management, advised that an application would also be submitted for listed building consent as this would be required to demolish and rebuild the section of the wall, and the application would be publicly available. It was noted that Officers were currently in the process of obtaining a fixed price quotation from the Contractor which would provide more certainty on the budget and if funding was awarded in mid-April, it was anticipated that work would commence on the wall during the summer months, due to more favourable weather conditions and specifically as the use of lime mortar required a specific air temperature.

32 **Knotts Welfare Building, Seagers Lane, Marsh Park, Brierley Hill**

The Committee considered a report of the Acting Director of Public Realm on the condition of the Knott Welfare building and to consider the future plan for the building.

In introducing the item, the Chair advised that he had visited the building in Marsh Park in December 2021, together with the Head of Corporate Landlord Services, to view the condition of the building and it was noted that residents of Seagers Lane, the Friends of Marsh Park, and Ward Councillors had been invited to address the Committee and were in attendance.

The Parks Development Manager presented the report, and in doing so, referred to the background to the building, as set out in the report, specifically referring to the land having been conveyed to the Council by Marsh and Baxter Limited in February 1920, for the purpose of a public park and recreation ground, and had been registered with the Charity Commission. In November 1955, Marsh and Baxter had entered into a deed of release with the Council to permit a pavilion to be erected in Marsh Park for the Aged People's Association of Brierley Hill and Brockmoor. It was advised that any changes to the agreement would require the Council obtaining consent/release from the Charity Commission.

It was noted that the Council had taken responsibility of the building in 2009, as authorised by the Brierley Hill Area Committee on 9th March 2006, when the lease had been surrendered by the Brierley Hill and Brockmoor Old Peoples' Welfare Committee. Unfortunately, the building had no budget attached for maintenance and on-going repairs and it was noted that the Greencare and Parks Development Team had undertaken some repairs to keep the building in a useable condition. In August 2020, however, the building had suffered from an arson attack where the fire had spread throughout the roof space and internal parts of the building, and it had been estimated that it would cost in excess of £250,000 to return the building back into a useable standard.

It was advised that the Council were now in the position that it considered all options to identify a suitable group to take on the building had been exhausted, and it was understood that there were adequate community centre facilities within the area, with many groups using the Nine Locks Community Centre on Hill Street which was a modern facility with ample parking. Comments that had been received from initial interested parties had referred to the location of the building being on the front of a narrow street with no parking facilities.

It was reported that complaints had been received from local residents due to the poor condition of the building. A quotation that had been provided by a Council Building Surveyor to demolish the building and flatten the land, stated that it would be approximately £35,000 and it was anticipated that the work could commence within 12 to 15 weeks once all services to the building had been disconnected from the main street supply. It was advised that Risk Management had confirmed that the cost of demolition, if approved, would be covered by the insurance and a claim would need to be submitted.

In conclusion, the Parks Development Manager advised that on completion of the demolition, Officers would work with the Friends of Marsh Park and Ward Councillors to identify ideas for the use of the space left in the park and any other requirements, with a source of funding needing to be identified.

A resident of Seagers Lane was invited to address the Committee, and in doing so, advised that a complaint with regard to the condition of the building had been submitted to the Council approximately sixteen months ago, and due to having received no satisfactory response from the Council, the complaint had been submitted to the Local Government and Social Care Ombudsman who were awaiting information to be supplied from the Council by 3rd February 2022.

Reference was made to the covenant covering the building which stated that the building should be maintained by the Council to a good standard of repair. It was noted that when the Council had accepted responsibility of the building, there were no plans at that time to use the building and only basic maintenance had been carried out which had contributed to the accelerating deterioration of the building, and concern was expressed that this had negatively impacted on local residents and park users.

Referring to the terms of the Marsh and Baxter Trust which stated that “the Council ever after, support, maintain and improve the land for the purposes of a public park”, concern was expressed that at a previous meeting the possibility of using the land for housing had been raised and the Committee were reminded that Marsh Park was a registered charity, with the land itself being the terms of Marsh Park Trust, which did not include the power of sale to the Council to dispose or sell the land. In referring to the consultation process that would be required if a change of use of the park land was proposed for other than for the benefit of Brierley Hill residents, it was noted that there would be strong resistance from the community with objections both on charity and planning grounds.

The arson attack that was carried out in August 2020 was referred to and it was noted that this had prompted a formal complaint to be submitted as it was believed that nothing was being done about the situation by the Council. It was noted that the Ombudsman had stated that they were satisfied that the complaint should be investigated, and were awaiting information from the Council, and that the Council had delayed taking action since the report had been considered by the Committee back in February 2020 and had not supplied any defined clear timescales and deadlines.

In conclusion, the resident stated that although demolition of the building and site clearance would address the complaint that had been submitted, as clear timetabling had been raised throughout the process and no response had been received, the Committee were requested to direct clear and specific timetabling deadlines and agree to monitor the process to ensure that deadlines were met.

The Chair of the Friends of Marsh Park addressed the Committee echoing the comments made by the previous speaker and advised that the Friends Group would require a facility once the building had been demolished to store equipment that was used in the park, such as lawn mower, spades, large watering hose, etc. Reference was made to a previous suggestion that a metal container be supplied, however, the Group felt that this would not be suitable as the Group required accessibility to a water and electricity supply to help maintain the park, and it was believed that a metal container would not fit in to the aesthetic appearance of the park.

Concern was raised that the Friends Group and local residents had not been properly canvassed for their views with regard to the future of the building and park but acknowledging that this issue had not been addressed for so long and needed to be resolved, the Group agreed with the recommendation that the existing building be demolished, and that Officers consult with the Group with regard to the replacement building and future use of the park land.

Councillor A Davies, addressed the Committee and in doing so, thanked the Committee for the opportunity for the residents, Friends Group and Ward Councillors to attend to express their views on the future of the building, acknowledging the importance of Marsh Park to the people of the area and advising that the Friends Group had plans going forward to increase the use of the park that would greatly benefit the local community.

Disappointment was expressed as to the quality of consultation that had taken place with the residents and Friends Group, prior to this meeting, on any proposals that were being put forward with regard to the future use of the building, although acknowledging that some consultation had taken place at the Brierley Hill Community Forum (an independent Forum) where no interest in the building had been identified. It was acknowledged that £250,000 would be a vast sum of money for any group to find especially due to the location of the building and the lack of car parking, and that consensus of opinion at that point was to accept that the building be demolished.

In light of the issues reported and acknowledging that this matter needed to be urgently resolved, Councillor A Davies gave his support to the proposal to demolish the building and going forward it was requested that improved communications with Ward Councillors, stakeholders and local residents be undertaken together with defined, clear timetables agreed with all parties and that the Friends Group be given the support they required to help maintain the future of the park.

Councillor Z Islam addressed the Committee and in doing so, expressed his disappointment that although the report referred to Ward Councillors having been fully involved in the decision, he believed that he had not been fully consulted and raised great concern that a decision with regard to the future of the building was being taken at this meeting. The building had been left in Trust for the benefit of the community and the Council had failed to maintain the facility which had resulted in the poor state of the building. Referring to the use of the Nine Locks Community Centre by the community, it was acknowledged that the building on Marsh Park was used for an entirely different purpose, being used by the Friends Group who ensured that the park was maintained, and concern was expressed that if the building was demolished the Group would have not have a facility to store their equipment or access to the services they required in the park.

In reply, the Chair referred to paragraph 6 of the report with regard to the Council having taken responsibility for the building back in 2009 and stated that consultation had taken place over the years with interested parties, including last year when the issue had been submitted to this Committee, and acknowledging that the pandemic would have impacted on the consultation that Officers could have undertaken. It was advised that although some initial interest had been shown with regards to taking on the lease and responsibility of the building, this had consequently been withdrawn and although it was disappointing that the proposal put forward was to demolish such a charming building that had been built in 1955, having exhausted all avenues with regard to any parties taking responsibility for the building, due to its limitations and lack of parking facilities, it was acknowledged that a decision needed to be made at this meeting to address the on-going complaints that had been raised. It was suggested that consultation be undertaken with Officers, the Friends Group and other interested parties to agree a replacement facility and future use of the land.

The Vice-Chair thanked the residents for attending the meeting and expressing their opinions. The recommendation made by the Chair was supported and it was requested that the decision going forward was community led.

The previous Chair of the Friends Group confirmed that there had been Councillor representation at the Friends Group meetings over the years, when this item had been discussed and parties had been contacted to ascertain any interest in taking on the building but to no avail. It was also noted that the complainant had written to the Committee 2 to 3 months ago with regard to this issue and Ward Councillors had been copied into the email.

Councillor Z Islam stated that as the building had not been maintained by the Council, the building had now become an eyesore for residents and considered that a suitable replacement building now needed to be provided to ensure that the Friends of Marsh Park had the facilities they needed to maintain the park. Acknowledging that communication had been the biggest problem, assurance was sought that going forward, better communication with stakeholders and residents would be undertaken to ensure a satisfactory outcome for all.

Arising from the presentation of the report and comments made by those present, Members made comments and asked questions, which were answered at the meeting.

With regard to a question raised regarding the amount of insurance to be paid, the Parks Development Manager undertook to investigate and contact Members should the payment exceed the cost of demolishing the building.

With regard to a proposal to undertake a site visit before a final decision was made, the Chair replied that he believed that nothing further would be gained from a site visit as the report submitted by Officers had provided information and photographs that had clearly demonstrated the condition of the building and provided the cost involved in bringing the building back into a useable condition. It was confirmed no interested parties had been identified who would be willing to lease the building and take responsibility for it. Residents and the Friends Group were requesting an urgent decision be made to address this issue due to the length of time this matter had been on going, and the Committee were referred to the recommendation as set out in the report.

Resolved

- (1) That the contents of the report in relation to the future plans for the Knott Welfare Building, Marsh Park, Brierley Hill, and comments made at the meeting, be noted.
- (2) That the Committee having considered all comments made at the meeting, being satisfied that the Council had exhausted all options to identify a suitable group to take on the lease and responsibility of the building, noting the current condition, location and lack of parking facilities, recommend that the building known as the Knott Welfare Building at Seager's Lane, Marsh Park, Brierley Hill, be demolished.
- (3) That Officers be requested to undertake consultation with the Friends of Marsh Park, residents and Ward Councillors to agree a suitable facility to replace the building to be demolished to enable the Friends of Marsh Park to store equipment and provide a water and electricity supply to allow the Group to continue to carry out maintenance to the park.
- (4) That following the electricity and water supplies being disconnected by the utility companies, work to demolish the building commence immediately.
- (5) The Council monitor progress and ensure that the Friends of Marsh Park, residents and Ward Councillors be regularly updated on progress made.

33 **Lease renewal – Café – Mary Stevens Park**

Resolved

That consideration of this item be deferred to a future meeting of the Committee.

The meeting ended at 7.35pm

CHAIR