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## **Ernest Stevens Trust Management Committee**

### **Acting Director of Public Realm**

### **The Knott Welfare Building at Seager's Lane, Marsh Park, Brierley Hill**

#### **Purpose**

1. *To inform the Management Committee about the condition of the Knott Welfare building and to discuss the future plan for the building.*

#### **Recommendations**

2. It is recommended that:-
  - The Committee note the contents of this report.
  - Discuss the issues and decide on any future plans for the building following a recent arson attack.

#### **Background**

3. A report was presented at the Ernest Stevens Trusts Management Committee (ESTMC) on 15<sup>th</sup> February 2021, regarding the condition of the Knott Welfare building at Seager's Lane, Marsh Park, Brierley Hill. A further report was presented on the 25<sup>th</sup> October 2021, with a recommendation that a meeting would be co-ordinated to allow all interested parties to attend.
4. On 2nd February 1920 the land was conveyed to the Council by Marsh and Baxter Limited for the purposes of a public park and recreation ground. This is the governing document registered at the Charity Commission under reference number 219683 with the purpose of the trust being for the purposes of a public park. On 21st November 1955 Marsh and Baxter entered into a deed of release with the Council to permit a pavilion to be erected in Marsh Park and to be let to the Trustees of the Aged Peoples Association for the purposes of erecting the pavilion for the use of the old people of Brierley Hill and Brockmoor.
5. If a change of use is required the Council should try to obtain the consent/release of the above covenant from Marsh and Baxter. As the trust is registered at the Charity Commission, then a scheme of the Charity Commission

would be required. Provided that the Council can evidence what outcomes and benefits will be delivered in accordance with the purpose of the registered trust, then the Charity Commission would more than likely consider this as a positive solution.

6. The Council took on the responsibility for the building in 2009 as authorised by the Brierley Hill Area Committee on 9th March 2006, when the lease was surrendered by the Brierley Hill and Brockmoor Old People's Welfare Committee. Due to the restrictive covenants and the lack of parking available, which has been a disadvantage to reletting the building, the building has laid empty since with the only use being through the Friends group who have utilised the building to store gardening equipment and hand tools. Maintenance has been completed on the building, such as repairing vandalism and to ensure the building is structurally sound and secure.
7. In August 2020 the building suffered an arson attack and the fire service attended to extinguish the fire. The fire spread through the roof space of the building and whilst the structure of the building remains intact, the building and its contents suffered an amount of water and smoke damage as set out in Appendix 1.
8. In the Council's experience, to refurbish the building back into a usable standard would cost in excess of £250,000, as the damage caused by the fire would need to be repaired as well as other modernisation work being undertaken to enable the building to meet current regulations and expected standards. The Council would need to develop a business plan to support this considerable investment and to identify a suitable partner or tenant willing to take on the building, with the building being fitted out to meet their particular requirements.
9. The Council considers that it has now exhausted its options for identifying a suitable group to take on the building and would note that its current condition, location and lack of parking does not make it favourable for a group to take on a lease, particularly when compared to other facilities such as the Nine Locks Community Centre on Hill Street.
10. The Council has received a complaint from a local resident who feels the building is an eyesore for local residents and spoils the vista of the park. The Conservation and Heritage Officer is also aware of the condition of the building and would also support the building being demolished. The Brierley Hill Heritage Action Zone are aware of the condition of the building and support the space being incorporated into the Park as part of a wider project, subject to demolition. This project would include improving and enhancing the entrance features into the park and the installation of interpretation boards detailing its historical background and its links to Marsh and Baxter.

## **Finance**

11. When the building was returned to the council, it came with no maintenance budget, with none having since been identified to allow Corporate Landlords to

take over the repairs and maintenance. This has meant that any repairs have only been completed on an ad-hoc basis and have only been carried out when funding has been available from Green Care's revenue budgets.

12. Currently Green Care does not hold the budget to support this type of maintenance and all repairs for Parks Buildings are carried out by Corporate Landlords. This means that all costs have been absorbed through the Parks Development budget which has put additional pressure on service delivery in other areas.
13. Due to the condition of the building, it may be more cost effective to demolish it, which is expected to cost in excess of £35,000. The Councils Risk Management Section has confirmed this cost can be met through the Councils insurance policy.
14. The cost of refurbishing the building would be considerably higher and estimated costs would be in the region of £250,000, based upon recent projects the Council has completed. Again, there is no budget currently identified to complete this or the ongoing maintenance that would be required. In addition, the Council would need to identify a partner or tenant who would be willing to take on the responsibilities for the building, including the running costs and the repairs and maintenance of both the exterior and the interior of the building.

### **Law**

15. 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.

### **Risk Management**

16. If the building is left in its current condition, the building structure will only become worse and pose a risk to the public.

### **Equality Impact**

17. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy. The project will not impact or restrict access for any members of the community.

### **Human Resources/Organisational Development**

18. None applicable to this report



## **Commercial/Procurement**

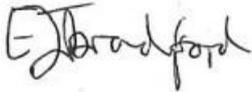
19. Any procurement of goods or services made by DMBC will comply with the Councils Contract Standing Orders and governance arrangements in place which could include submission of options to Procurement Management Group (PMG). There are no commercial implications associated with this report.

## **Council Priorities**

20. This decision will improve the quality of the green spaces.

*Developing Green Space: Providing a framework of good quality and accessible community space, parks & nature reserves with interconnecting green networks.*

This proposal is not anticipated to have any implications for current activity.

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*List of Background Papers*

## **Appendices**

Appendix 1- Fire Damage August 2020