

SELECT COMMITTEE
ON REGENERATION, CULTURE AND
ADULT EDUCATION

Wednesday, 3rd June, 2009, at 6.00 pm
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor P Harley (Chairman)
Councillor Mottram (Vice Chairman)
Councillors Barlow, Caunt, G H Davies, Knowles, Lowe, K Turner and Woodall.

Officers

Assistant Director, Housing Strategy and Private Sector (Lead Officer to the Committee), Chief Executive, Assistant Director Culture and Community, Assistant Director Economic Regeneration and Head of Planning (all Directorate of the Urban Environment), Interim Assistant Director Financial Services and Corporate Finance, Principal Policy and Performance Management Officer (Chief Executive's Directorate), Head of Human Resources and Principal Human Resources Officer (supporting the Directorate of the Urban Environment) and Mr J Jablonski (all Directorate of Law, Property and Human Resources).

Twenty six members of the public were also in attendance.

1

APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Perry.

2

DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with Members' Code of Conduct in respect of any matter to be considered at this meeting.

3

MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 4th March, 2009, be approved as a correct record and signed.

THANKS TO FORMER CHAIRMAN

As this was the first meeting of the Committee in the new municipal year with a new Chairman, it was requested, and agreed, that thanks to the former Chairman of the Committee, Councillor Colin Wilson, for the able manner in which he had conducted meetings of the Committee, be recorded.

PUBLIC FORUM

Prior to consideration of any questions to be raised under this item the Chairman indicated that those members of the public who were present in relation to Agenda item 10 – Progress Report – Review of Museum Service – would be given the opportunity to ask their questions during consideration of that agenda item.

On inviting questions from those members of the public who were not present in connection with Agenda item 10, a Mr Clement Baugh, a resident of Coseley, together with other residents, raised a number of issues in relation to the decision of the Council to close Coseley Baths.

Principal points made related to funding issues both in relation to the Council as a whole and to the baths in particular; the structural survey undertaken and the survey that he and his supporters would be arranging; the need for a bath's in Coseley and not elsewhere, and the recent calls for facilities to improve health made at a time that this facility was being closed.

A number of other speakers then spoke on this matter and referred to the costs involved and, in their opinion, the lack of investment in the baths over a number of years.

The date of the initial decision to close the baths, the future use of the site and why the baths should be knocked down when repairs could be carried out were also queried.

Reference was also made to the 30 year life span of the roof that had now been in place for 46 years with other facilities of a similar design remaining open and still receiving funding.

Overall, it was considered that Coseley was being neglected with facilities either being closed down or replaced with inferior provision thereby having a direct adverse knock on effect on residents.

Speakers therefore asked that the decision to close Coseley Baths be reviewed so as to enable the facility to remain open.

Arising from the comments made the Lead Officer to the Committee referred in particular to the comments made regarding the alleged neglect of the Coseley area and referred to the work that the Select Committee had done over a number of years in considering the regeneration and redevelopment of Coseley. He also referred particularly to the new Youth Centre that had been referred to which would cost approximately half a million pounds and having been planned in conjunction with Officers from the Directorate of Children's Services would be a state of the art facility. Reference was also made to the Extra Care Housing project to be built in Coseley which would be a major improvement. Given the examples cited he refuted any suggestion that Coseley was a forgotten area given the major plans that were either in place or being planned.

A number of Members then commented on this matter and in so doing confirmed that the decision had been made by the Council and that the role of this Committee did not extend to changing the decision made to close the baths but rather to make recommendations which could involve making a recommendation that the decision be reviewed. Reference was also made to national guidelines in relation to swimming facilities which, given the closure of Brierley Hill baths and now the impending closure of Coseley Baths, it was suggested was a matter to be taken into account. This was considered to be particularly relevant should a situation develop where residents in the Borough as a whole were unable to access public facilities but instead would have to rely on private facilities at a much greater cost which they could not possibly afford.

A further member then referred to the issue of overall funding of the Council and the way in which this Council was treated compared with that of a close neighbour. The shortfall in funding had an adverse effect on the ability of the Council in respect of its funding proposals.

Regarding the structural survey in respect of the baths it was indicated that a copy was available to anyone who requested it, indicating a structural problem that needed to be dealt with. The lifespan of the structure had been as previously related and it was indicated that funding for the facility had not been reduced in respect of maintenance.

Given the content of the structural report and the opinion of the structural engineers that the structure could not be guaranteed beyond the end of August, 2009, the Cabinet when they approved the decision to close the baths did so on safety grounds. Not to have done so could have exposed Members to possible Court action had they ignored the professional advice given regarding the structure leading to the closure date of the end of August, 2009.

The decision taken had been reported to the subsequent meeting of the full Council and had been endorsed.

A further member referred to the situation following the closure of Brierley Hill Baths and the funding available to carry out certain works at Coseley Baths arising from this. He also indicated that at that time no mention was made of any problems with the structure.

The Assistant Director, Culture and Community responded in particular to the latter points made indicating the issues and funding in respect of Coseley baths arising from the closure of Brierley Hill baths and reported that the roof of Coseley baths was not an issue at that time. He further reported that twelve months ago, arising from routine inspections held, problems with the roof had increased and from the structural report commissioned a cost of £1million had been identified to remedy the problem. Other works to ensure Disability Discrimination Act compliance and of an electrical nature together with other improvements would also be required. It was therefore a matter for the Council to determine as to whether this expenditure should be made.

In response to a query raised the Assistant Director confirmed that the roof needed to be replaced and not repaired and that in addition to the roof a number of other matters, as indicated, also needed to be carried out to ensure that Coseley baths were brought up to the standard of a 21st century facility.

Arising from the comments and discussion referred to above a motion was moved and seconded that the Council be recommended to review the decision made regarding the closure of Coseley Baths.

On being put to the vote the motion was lost.

Documentation was also circulated at the meeting by John Wilkes, Chairman of Coseley Civic Trust.

At the conclusion of this item the Chairman was thanked by members of the public for the opportunity to raise the issues that had been discussed. They also indicated that they would carry on their campaign to try and retain the swimming baths facility in Coseley.

6

CHANGE IN ORDER OF BUSINESS

RESOLVED

That, pursuant to Council Procedure Rule 13(c) it was agreed that Agenda Item 10 – Progress Report – Review of Museums Service – be considered as the next item of business.

7

PROGRESS REPORT – REVIEW OF MUSEUMS SERVICE

A report of the Director of the Urban Environment was submitted on the progress made with the Review of Museums.

The Assistant Director, Culture and Community further updated the Committee with regards to the team that had been selected to undertake the feasibility study.

In this connection he reported that the winning tender had been received from the team headed by L and R Consultancy who were from Liverpool and they would be the project leaders. The role of the project leaders would be to develop the concept and business propositions emanating from the study and to take the lead on the consultation exercises, business planning and finding stakeholders.

Brock Carmichael Architects would lead on architectural design, planning and conservation matters and with other technical support in terms of civil and structural engineering. Headland Design would deal with collections management, visitor flow, site layout and interpretation and exhibition design.

He further commented that initially the main focus in Stage 1 of the process was to test the proposition that the amalgamation of the two facilities on to the one site was feasible and would lead to the aspired improved attraction of the stature demanded by the value of the collections. Furthermore other questions would relate to whether it was a realistic, achievable and desirable step to take and could the site provide the quality and space required to develop the Council's aspirations.

Stage 1 was also being used to analyse current operations and performance on the two sites and considerable consultations would be held with key stakeholders from local, expert and special interest groups to national and regional bodies all of whom would be used to identify the options available from the status quo position through to differential site developments to amalgamation leading to a recommended way forward that would be explored further at Stage 2 of the process.

Given the aspects, as indicated above, to Stage 1 it was also commented upon that aspects at Stage 2 could change dependent upon the outcome of Stage 1.

The current position was therefore that all aspects of the project were currently in the process of being finalised with L and R Consulting following which full details of the work programme would be announced including details on the consultation exercises at Stage 1.

Following the presentation given by the Assistant Director a number of questions, previously submitted to him for comment earlier this day, were then asked and responded to, as follows:-

1. Questions from Ms J Hendry – Save Our Glass Heritage Campaign:-

- (a) Q – there are concerns about the structural integrity of the Red House Cone Site in particular movement of the red cone which could cause it to implode and flooding of the tunnels underneath the Red Cone Site.

Can you confirm that a full structural survey of the Red Cone Site would be done, prior to moving the glass collection held at Broadfield House Glass Museum and the results will be made public?

A – included within the feasibility study the Brock Carmichael Architects Practice will be utilising the services of a Structural Engineer for such work as is necessary. The Council's own structural engineers have also been asked to consider this issue in addition to that of the feasibility study so that the Council can be assured of the structural integrity of the Red House Cone site and the information arising from the surveys held can be made public.

- (b) Q - Can you confirm that Miss Sally Orton is a Trustee of the Red House Cone?

A – The Red House Glassworks Museum's Trust has two surviving Trustees one of whom the Council are in contact with. Sally Orton is not a Trustee and never has been. She is an employee of the Council.

- (c) Q – How much is the feasibility study costing the tax payer?

A – At present, due to commercial sensitivity, the Council are unable to release the figure but would be able to do so at the end of the study.

- (d) Q – Regarding the commitments made by Karen Shakespeare What are the arrangements that have been set in place for “engaging all of the organisations and groups who have shown their interest in the future of the museum” and to ensure a “substantial amount of public consultation throughout the process”.

A – The selected consultants in their presentations to the interview panel identified their proposals for public consultation as part of the overall feasibility study in Stage 1. This included:-

- Discussions with local, expert and special interest opinions such as Planning and English Heritage.
- One to one sessions with Council representatives; friends groups; the MLA and other glass related organisations.
- The holding of a consultation event/workshop.
- The making of a presentation to a special meeting of the Brierley Hill Area Committee following a request by that Committee for inclusion within the consultative process.

Stage 2 would build on the consultations held but would be dependent on what the outcome to Stage 1 was in terms of what the recommended way forward was

At this juncture Ms Hendry handed to the Assistant Director a copy of a list of interested parties that she asked to be included in the consultations to be undertaken.

- (e) Q – Regarding comments made by Karen Shakespeare “One thing I can assure you of is that the details of whatever comes from this feasibility study will be in the public domain long before a decision is made”. What is the timescale of the decision making process when can we expect the report from the consultants to be in the public domain and how long afterwards will a final decision be made?

A – This will depend on how the study progresses. It is anticipated that Stage 1 will take approximately two months to complete the findings. The findings will be made public and the Council will consider the recommendations of Stage 1 alongside the results of consultations conducted as part of the process before deciding how to proceed with Stage 2. Stage 1 will provide the vision for the future provision of the glass museum and heritage facilities and services. Stage 2 is about how that is delivered.

It was also reiterated, as indicated in the presentation, that a start date for the process was currently being finalised.

2. Questions from Mrs B Beadman – Chairman of the Friends of Broadfield House

The following questions, with responses indicated, were then made:-

Q – The feasibility study announced by Duncan Lownes in the Express and Star on Saturday 13th September 2008:-

- i. Who carried out that feasibility study?
- ii. What were its findings?
- iii. Where can a copy of that feasibility study be examined?

A – As there was some uncertainty as to the feasibility study being referred to the Assistant Director undertook to discuss this matter with Mrs Beadman outside of the meeting.

Q – Regarding the report submitted to this meeting of the Committee in respect of the Review of Museum Service:-

- i. Who decided that the Amalgamation would be a good idea, and when was that decision made?

A – No such decision has yet been made.

- ii. In paragraph 2, page 36, it says “COULD” lead to an improved visitor attraction. On what grounds has this assumption been made?

A – no such assumption has been made as the whole purpose of the exercise is to see whether the vision as indicated above could be delivered.

- iii. a) Q – Has a standard SWOT analysis been carried out?

A – This would be done as part of the study.

- b) Q – could I have a copy to inspect?

A – As the analysis has yet to be done a copy is not available for inspection.

- iv. Q – We have been told ad nauseum that a robust feasibility study will be carried, however, it would appear that no other venues are to be considered. How then can the project study be described as robust?

A – The issue is that there are only two facilities with which the Council are concerned therefore the study will be about those two facilities.

- v. a) Q – With reference to Stage 1, has the Council arranged for continuing access to the other buildings on the Red House Site?
- b) Q - Are these to be considered on a lease arrangement or are they to be purchased?
- c) Q - At what cost are they to be purchased?
- a) A – The questions of access, lease arrangements and purchases in relation to other buildings on the Red House site are matters of commercial sensitivity and will be dealt with as part of the study to be undertaken. Consideration will also be given to what, if any, potential there is or need to acquire any other buildings in order to deliver the Council's vision.

- vi. Q – Are other buildings adjacent to the site being considered and in what capacity?

A – Whilst the focus is on the Red House Cone site it is not the intention to place a strait-jacket on the consultants if it is considered that adjacent buildings would be needed to deliver the project. However this is not part of the consultants' brief.

- vii. Q – The glass community has much to offer the consultants during Stage 1. Will they be consulted before the end of July?

A - It is agreed that the glass community has much to offer and one of the roles of the consultants will be to consult with all interested parties.

- viii. Q – The Brierley Hill Area Committee requested a meeting. Will this be scheduled at the 2nd July meeting?

A – The Chairman indicated that this issue would be considered in the near future and he gave an undertaking that he would be willing to arrange for the date of the special meeting to be e-mailed to all interested parties.

3. General questions:-

- i Q – Who was the author of the Copy of Briefing documents and terms of reference for the feasibility study?

A – Officers of the Council were responsible including the Museums Head of Service, the Assistant Director and the keeper of the glass collection.

ii. Q – is there a list of consultants invited to tender?

A – The Assistant Director indicated that he would be happy to supply the list of the 19 consultants invited to tender, the 12 who responded and the 5 who were invited to tender.

iii. Q – How many tenders were received and can copies of the tenders be viewed?

A – As indicated above five tenders were received. Given the commercial sensitivity of the information contained in the tenders copies of the tenders could not be viewed.

iv. Q – What were the reasons for accepting the tender from the appointed consultants?

A – The successful tender complied with the Council's requirements and processes relating to contracts and was awarded on the basis of quality and cost.

v. The remaining questions numbered 5 and 6 on the list of questions supplied by Mrs Beadman had also had been asked by Ms Hendry and therefore were not considered again.

Further comments and queries were then made by a further member of the public, a Mr Graham Knowles, in relation to the terms of the brief given to the Consultants which he considered should have been how to make Dudley the finest centre for glass and the consideration of this and alternatives rather than spending money on the hiring of consultants. Given the areas wonderful glass heritage there was a need to end up with an appropriate facility to preserve and enhance that heritage.

Arising from the questions raised and responses given Members then raised a number of queries and questions relating in particular to the further consideration to be given to this matter by this Committee following the special meeting of Brierley Hill Area Committee at the meeting of this Committee to be held in October, 2009; the need for a venue to hold all of the Council's glass collection; queries regarding the consultation process and how the public would be notified of this; the request that the Cabinet Member for Environment and Culture and not an Officer should be held accountable and be available to explain issues in relation to the review of the museums service was raised; the need for the consultants to be aware of the importance of the glass heritage held by the Council not only for the area in which the facilities were located but to the whole of the Borough and in response to this it was emphasised that the consultants were aware and accepted the importance of the collection.

Regarding the consultation to be held the process and involvement as indicated in the question and answer part of the discussion on this item was re-emphasised which would lead to members of the public being fully aware and involved.

As regards the special meeting of Brierley Hill Area Committee the Chairman indicated that he would be happy for any Members of the Council who wished to, to attend the meeting.

A further member commented on the background to the use of Broadfield House as a glass museum but indicated various difficulties especially with regard to access for people in wheelchairs who were only able to see approximately one third of the collection held there given that there were no means for them to access other than the ground floor. It was again reiterated that given the world famous nature of the glass collection held it ought to be displayed in a facility that was capable of being viewed by all persons. The Assistant Director was also requested to ensure that if he had not already done so he obtain a copy of a spreadsheet compiled by Councillor Mrs Shakespeare of persons who had contacted her on this matter so that they also could be included in the consultation process.

RESOLVED

That the information contained in the report, and as reported at the meeting, be noted and that comments made, as indicated above, be referred, as appropriate, to the Cabinet Member for Environment and Culture.

A report of the Chief Executive was submitted on the Chief Executive's Directorate's Equality and Diversity Annual Report for 2008/09.

Following an introduction by the Chief Executive, and comments made by him, Members asked a number of questions and queried certain aspects of the Equality and Diversity Annual Report 2008/09 attached as an Appendix to the report submitted.

The comments made relating in particular to the employment of disabled persons and BME employment within the Directorate were responded to.

RESOLVED

That the Chief Executive's Directorate's Equality and Diversity Annual Report for 2008/09 be noted.

9. DIRECTORATE OF THE URBAN ENVIRONMENT'S EQUALITY AND DIVERSITY ANNUAL REPORT 2008/09

A report of the Director of the Urban Environment was submitted on the Directorate of the Urban Environment's Equality and Diversity Annual Report 2008/09.

Arising from an introduction of the content of the report by the Head of Human Resources, the Principal Human Resources Officer, supporting the Directorate of the Urban Environment, highlighted aspects of the Annual Report attached as an Appendix to the report submitted.

A number of questions were then raised and comments made relating in particular to disabled employees and the composition of the Directorate. Questions were also raised by Councillor Woodall in respect of Objective DUE 8 in relation to public rights of way and in response to the questions raised, regarding how many public rights of way there were in the Borough, the annual budget for repairs and whether that budget was adequate, the officers concerned undertook to have these points investigated and for a response to be sent direct to Councillor Woodall.

RESOLVED

That the Directorate of the Urban Environment's Equality and Diversity Annual Report for 2008/09 be noted and that any outstanding actions arising from the Equality and Diversity Annual Report for 2008/09 be incorporated into the Equality and Diversity Action Plan for 2009/10.

10. ANNUAL REPORT OF THE SELECT COMMITTEE FOR 2008/09

A report of the Lead Officer to the Committee was submitted on the Annual Report of the Select Committee for 2008/09.

RESOLVED

That the Annual Report of the Select Committee for 2008/09 be received and noted and referred to the Council.

11. WORK PROGRAMME FOR 2009/10

A report of the Lead Officer to the Committee was submitted on the proposed work programme of the Committee for the 2009/10 municipal year.

Arising from consideration of the content of the proposed work programme and suggestions made by Members for updates and additions to that programme it was:-

RESOLVED

1. That the work programme of the Committee for 2009/10 be approved, as follows:-

Date of Meeting	Item
03/06/2009	Chief Executive's Directorate Equality and Diversity Annual Report for 2008/09.
	Directorate of the Urban Environment's Equality and Diversity Annual Report for 2008/09.
	Work programme for 2009/10.
	Annual report of the Select Committee.
	Progress report – Review of museums service.
07/09/2009	Quarterly Corporate Performance Management Report.
	Annual Report of Equality and Diversity.

	Update on the South Black Country Innovation Centre.
	Update on Planning Obligations.
	Improvement potential for gateway sites.
	Progress of the New Heritage Regeneration Limited.
	Implementation of Healthy Towns Programme.
26/10/2009	Update of the Council's Capital Strategy.
	Quarterly Corporate Performance Management Report.
	Town Centres regeneration update.
	Update on modernisation of library service.
	Review of museum service.
	Developments in the local centres and in relation to Coseley and Cradley.
20/01/2010	Council Budget
	Quarterly Corporate Performance Management Report.
	Review of Corporate ICT Strategy.
	Visitor Economy Update.
	Update on Dudley Archives and Local History Service relocation.
	Facilities improvement service review.
03/03/2010	Dudley Borough Economic Strategy 2010/11.

Update on Joint Core Strategy Progress.

Chief Executive's Directorate Equality and Diversity Action Plan 2010/11.

Directorate of the Urban Environment's Annual Equality and Diversity Action Plan 2010/11.

Update on planning obligations.

2. That no formal working groups be appointed in 2009/10 but that should it be considered that a specific issue requires the appointment of a working group then an ad-hoc working group be appointed on a time limited basis to consider the specific issue and report back to the Committee.

The meeting ended at 8.05 p.m.

CHAIRMAN