

Executive

28 April 2016

Report of the Assistant Director of Finance, Property and Procurement
Portfolio of the Executive Leader, Finance and Performance

Letting of Red Tower, Foss Islands Road.

Summary

1. Red Tower is a 2 storey Grade 1 listed scheduled ancient monument parts of which date back to the 16th century although it was largely reconstructed in the nineteenth century. It immediately adjoins the city wall in Foss Islands Road. Access to the first floor is by ladder only and there are no utility services connected to the building. It has no current use nor has it been used in the recent past.
2. It brings into beneficial use a building which has been vacant and unused for many years. The Executive are requested to agree to a letting of the building together with a small area of the adjoining land to a community organisation for the promotion of community led local projects. The plan attached shows the extent of the proposed letting outlined in red with the land shown hatched green and a right of access shown hatched brown.

Recommendations

3. Executive are requested to agree to let the tower and part of the adjacent land to The Incredible Movement in York (TIM) for a term of 30 years at a peppercorn rent.

Reason: To enable an unused council building to be utilised and improved and thereby provide a resource which will benefit the local community.

Background

4. The building has been vacant for many years apart from its occasional use for storage. The council's archaeologist John Oxley has been approached by Imelda Havers of The Incredible Movement in York (TIM) a voluntary community involvement group with a proposal to lease the premises to provide a residents meeting place and to engage with the community to promote improvement of the neighbourhood.
5. Their vision is to install utility services into the building and to provide a kitchen and w.c., central heating, lighting, roof insulation and windows. A staircase will be provided to the first floor which presently has only ladder access. The cost of the improvement works has been estimated to be in the region of £40,000. They envisage creation of a meeting space for community organisations with ancillary kitchen and cafe space, together with an adjacent garden for the growing of edible crops.
6. They are keen to explore how best to refurbish the building and provide functional space whilst retaining the historic integrity of the building and its site.
7. The Incredible Movement in York have applied to the Department for Communities and Local Government for Community Ownership and Management of Assets (COMA) funding. In November 2015 a grant of £9,898 was awarded.
8. This has enabled them to obtain a structural survey of the building and have an outline design prepared to show how services can be introduced, access to the first floor improved, and optimum use made of the space in a historically sensitive way.
9. Further work can subsequently be undertaken on obtaining scheduled monument consent, costing of the improvements and identifying potential funding sources.
10. In order to attract and process the necessary funding and investment into the building they have requested a 30 year lease at a peppercorn rent.

Consultation

11. TIM originally approached the Council's Archaeologist regarding their proposed use of the building and he has voiced his support for the proposal.
12. English Heritage have also attended site meetings and Keith Emerick of English Heritage has expressed an in principle approval.
13. TIM have worked with Friends Of York Walls to engage a range of local people and have publicised the project in the local press, website and social media. They have opened the building on a number of occasions including for York residents weekend in January 2015 when they had 635 visitors over the 2 days. They received some useful feedback which was all positive and supportive. Through engagement with local people they have discovered that there is a need for such a facility in the area.
14. A briefing note on the potential letting of the premises to TIM has been taken to the Capital & Asset Board previously in April 2015.
15. The local Ward Councillors are supportive of the proposal.

Options and Analysis

16. Option 1- Let the premises on a long lease to TIM

Advantages

- It brings into beneficial use a building which has been vacant and unused for many years.
- Enables a coordinated approach to be made to seek funding to install services into the building and allow it to be sympathetically refurbished
- It will provide a resource for local residents to meet and engage in creative activities which will improve the neighbourhood.

Option 2 – Decline to let the premises

Advantages

- The premises would be available to the council as a small basic structure which may be used as a storage facility.

Council Plan 2015 - 2019

17. Under the Council Plan this proposal will assist in supporting;
- A prosperous city for all
 - Local residents enjoy a facility to promote creativity and the well being of those in the neighbourhood.
 - Residents can enjoy use of a building which is part of the city's unique heritage and be included in a range of activities.
 - A focus on frontline services
 - Everyone has access to opportunities regardless of their background
 - Residents are encouraged and supported to live healthily
 - A council that listens to residents
 - Engaging with the community to provide creative space for local residents

Implications

18.

- **Financial** – The proposed letting will facilitate improvements being undertaken to a council asset with no direct council capital outlay. The asset however will not generate a rental income.
- **Human Resources (HR)** - none
- **Equalities** - none
- **Legal** –
- Under S.123 of the Local Government Act 1972:
 - (i) before disposing (including granting a lease) of 'open space' the Council must advertise the proposed disposal in two consecutive editions of a local newspaper and give due

consideration to any objections or other comments received in response to the advertisement. S.20 of the Open Spaces Act 1906 defines open space as any land (whether or not fenced/enclosed) on which there are no buildings or of which not more than 5% is covered with buildings and the whole or remainder of which is used for recreational purposes or which lies waste and unoccupied. The land in question is unoccupied and undeveloped and therefore could fall within the definition of open space. It is considered that before the Council disposes of this land the proposal should be advertised and any objections or other comments should be properly considered.

- **Crime and Disorder** – none
- **Information Technology (IT)** - none
- **Property** – contained in the report
- **Public Health** – None

Risk Management

19. There are no particular risks associated with the recommendation.

Contact Details

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Report
Approved



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Specialist Implications Officer(s)

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Wards Affected: Guildhall

All *tick*

For further information please contact the author of the report

Background Papers: None

Annexes

Annex 1 – Site Plan.