

Slipway Repairs at Lendal Boatyard

Summary

1. The Executive is asked to note the information obtained in this annex to allow repair work to be undertaken to the slipway at Lendal Boatyard, from the contingency fund, which was approved at Full Council in February 2009 as part of the Capital Programme Budget 09/10 to 13/14.

Background

2. Lendal Boatyard on the River Ouse is partly owned by Yorkboat, the commercial boat operator who trades from there, and the Council. The attached plan shows the extent of the Council's ownership. There is a slipway within the area of Council ownership, which extends to approximately 27m into the Ouse. This underwater section has recently collapsed without any prior warning. The scouring action of the Ouse has removed the fill supporting the slipway over a period of time and as a result the concrete slipway has now failed. The slipway is part of the riverbank infrastructure owned by the Council and in effect the collapse denies access to the boat yard from the river and Yorkboat cannot now use it.
3. Yorkboat lease this area of land from the Council on the basis of a commercial business lease for a period of 5 years with effect from 7 December 2006. The lease is governed by the Landlord and Tenant Act 1954, which allows the tenant an automatic right to renew. Under the terms of the lease the repair of the slipway is beyond the scope of the tenant.
4. Yorkboat have various leases with the Council for different sites along the River Ouse for commercial moorings, the total rent received by the Council from Yorkboat is £39,000 pa. The balance, excluding Lendal, is from moorings at Kings Staith, South Esplanade and Foss Basin. The Boatyard is the main hub of the business where Yorkboat's offices are sited and the boats are moored overnight. All repair and maintenance work is undertaken here, hence the need for a slipway to be retained.
5. On 3 February 2009 the Executive approved a report requesting £400k of capital funding to be allocated to a riverbank repair scheme on the Ouse between Scarborough Bridge and Clifton Bridge. The contract for this repair work has been tendered and the contractor (Land and Water Services) is currently on site. The major part of any cost to do repair work on the river is to actually physically get a contractor to the site with the requisite equipment (boats, pontoons, water based piling rigs, etc. The repair will involve the installation of a cofferdam, piling around the edge of the slipway and infilling with concrete. The estimated cost of £160k is subject to a full dive survey and the results of the procurement process chosen given the specific nature of the costs involved.

Consultation

6. If the repair work is to be undertaken, notice of works affecting the navigation need to be served on British Waterways and a notice of works in the river on the Environment Agency. Consultation will be conducted along with the procurement process.

Options

7. **Option A:** The Council does not make the funding available to undertake the repair work.
8. **Option B:** The Council does provide the requisite funding to undertake the repair work.

Analysis

9. **Option A: The Council does not make the funding available to undertake the repair work:**
 10. It is a contractual obligation of the Council to repair the slipway. If no funding is forthcoming then the repair will not be carried out leaving the Council liable to litigation. The Council would also incur the loss of substantial rental income from Yorkboat.
 11. Yorkboat are required by law to have their boats inspected by the relevant marine agencies and this happens on a twice-yearly basis. This is scheduled for the early months of 2010. The largest boat of the fleet has to go to Hull dry dock as the slipway will not accommodate it, but the remaining boats would also have to go to Hull if the slipway is not operational. However this is only possible if Yorkboat's insurers will allow this, as the remaining boats are not designed to go into the huge dry docks at Hull. The cost of this is not sustainable as not only will there be loss of business in taking the vessels to and from Hull, Yorkboat are not given priority at Hull port as the larger commercial operators, i.e. North Sea Ferries, get priority and Yorkboat have to fit in where they can.
 12. Another alternative is for Yorkboat to hire crane facilities to lift the vessels from the river. However they have no alternative facility available where such work can be undertaken or crane the vessels out to. The nearest facility for the size of their boats is Hull. The cost of this would be prohibitive to be financially viable and sustained for a long period.
 13. The outcome of not undertaking the repair would be that the Council may be required to defend a court action against them and the financial viability of a local business, which is a highly visible city attraction, is put at risk.
14. **Option B: The Council does provide the requisite funding to undertake the repair work:**

15. The Council will be meeting its contractual obligations and would not be creating a situation where it is open to litigation.
16. Yorkboat would be able to continue their operation and remain a viable local business providing local employment.