

Report of the Assistant Director of Regeneration, Economic Development and Asset Management
(Portfolio of the Executive Member for Finance and Performance)

and

The Assistant Director of Communities and Culture
(Portfolio of the Executive Member for Culture, Leisure and Communities)

Library Lawn Lease

Summary

1. The Council's library operator Explore York Libraries and Archives Mutual Limited ('Explore') have a lease of York Library until 31st March 2034 with communal/shared rights to use: (i) 'Library Lawn' for occasional events and (ii) an associated 'Store' for storage of goods and materials in connection with the operation of York Library. This report seeks permission to grant Explore a lease of the Library Lawn and the 'Store' for exclusive use by Explore for cultural activities.

Recommendations

2. Executive are asked to:
 - 1) Agree to the granting of a lease of Library Lawn and the St Leonards Hospital Ruins (Store) to Explore York and Archives Mutual Limited (Explore) until 31 March 2034 under the terms as set out in the report to enable them to deliver Cultural activities. (subject to consideration by Executive at a later date of any comments or objections received from the public in response to the Section 123 open space notice regarding library lawn referred to below)

Reason: To allow Explore to use the space in connection with the operation of York Explore Library and sublease to third parties to generate income.

- 2) Agree to the publication of notice in local newspaper advertising the proposal to grant a lease, as Library Lawn is 'open space' land used by the public for recreation

Reason: This is a statutory requirement under Section 123 of the Local Government Act 1972 before a lease or other disposal of open space land can be granted by a local authority

Background

3. On 26th March 2019 the Council granted Explore a lease of York Explore library premises commencing 1st April 2019 until 31 March 2034 as part of operating the Council's Library and Archives facilities pursuant to a service contract between the Council and Explore. The Library Lawn and the Store are adjacent to the main library.
4. Library lawn and the Store are owned by the Council and have never been leased before, however Explore have the non-exclusive right under their York Explore lease to shared/non-exclusive use of:
 - (i) library lawn on an occasional temporary basis for the purpose of displays and exhibitions ancillary to the operation of York Explore
 - (ii) associated 'Store' for storage of goods and materials in connection with the operation of York Library.
5. The council no longer need to use the Store and hence it is proposed that Explore be granted a lease of the Store, along with the Library Lawn whereby they can utilise it fully.
6. Library lawn has been the subject of a Time Team excavation in the past which explored the history of the area. It has also been used for a number of festivals – most notably Bloom and as a garden for the people of York. Films have been shown in the Undercroft and there have been theatrical performances towards the tower.
7. The library lawn is considered to be public open space as it is understood that members of the public have occasionally used it for informal recreation. A public footpath/right of way runs in between library lawn and the library building (from Museum Street through to Museum Gardens). The public right of way would not be affected by the proposed lease and access remains to the Multangular Tower and Roman Walls for residents and visitors to enjoy.

Proposal

8. Explore have a long term ambition to develop Library Lawn (as part of the Mint Yard area) into an exhibition space. The Mint Yard as a whole includes the Roman Walls (especially the Multanglar tower), the Anglian Tower and the St Leonard's Hospital ruin. Along with the library building, that gives the history and shows the significant elements of the Mint Yard.
9. Explore's plan is to form a partnership with interested organisations such as; the Council, York Museum's Trust, York Walls, etc. to vision a project that will allow interpretation of the Walls and St Leonards Hospital, using digital technology to show people what happened in the spaces throughout the ages. Having a space to exhibit the archives will allow Explore to tell the history of York through its records and will bring a much loved ruin back into use.
10. The long term proposal will take significant time and funding to achieve, therefore Explore are requesting the ability to sublease the Library Lawn in the short term to enable them to generate income with any proposal be subject to a planning application process.
11. Annex A shows the site plan of Library Lawn with the proposed areas to lease to Explore. The blue outline area shows the part of Library Lawn and the red line shows the part of the St Leonards Hospital Ruins store to be leased to Explore for exclusive use. The brown hatched area shows the public right of way which will not be affected.

Consultation

12. Explore have committed to ensure all stakeholders are consulted when it has firm proposals for Library Lawn in the development of short or long-term plans:
 - a. Local Ward Councillors
 - b. York Explore – Friends of the Archives
 - c. The Council's Archaeologist & City Walls Manager
 - d. York Civic Trust
 - e. York Georgian Society
 - f. Yorkshire Philosophical Society

- g. York Museums Trust
- h. York Minster
- i. Historic England to get advice on the Scheduled Monument Consent implications.

Options

- 13. Members have the option to support or reject the proposed lease to Explore.

Analysis

- 14. This proposal to offer Explore a lease of the library lawn at a peppercorn rent, is a further commitment to support the Council's library and archives service to develop and flourish, whilst offering Explore an opportunity to diversify in generating significant income that will underpin Explore's business plan to maintain the level of public libraries in York.
- 15. Explore are best placed to utilise library lawn and this has always been the Council's intention, working collaboratively with wider stakeholders to ensure future proposals can be brought forward by Explore as a social enterprise.
- 16. The option to reject this proposal would limit Explore's ability to work with partners on longer term projects and limit the use of Library Lawn to temporary events and activities of a more pop up nature.

Council Plan

- 17. The proposals in this report further the priorities in the Council Plan with regard to: Safe Communities and Culture for all.

Implications

- 18. **Financial** – The proposal is for the Council to lease Explore the exclusive use of Library Lawn and the Store for a peppercorn rent, allowing Explore to generate income from cultural activities that will be reinvested back into our public library and archives service.
- 19. All legal costs will be paid for by Explore and this proposal does not financially risk the Library and Archive contract with the Council.

20. Explore's ability to enter a sub-lease will a third party will require the Council's approval, under the terms of any new lease.
21. **Human Resources (HR)** – There are no HR implications.
22. **Equalities** – There are possible equalities implications in relation to the future use of this space, which should present improvements in attracting a wider audience and use of the Library Lawn. Any specific use of the site subsequently proposed will be the subject of an EIA (Equalities Impact Assessment) conducted by Explore.
23. **Legal** - Section 123 of the Local Government Act 1972 gives the Council power to dispose (including by granting a lease of) for less than open market value/best consideration without needing specific consent from the Secretary of State for Housing, Communities and Local Government provided that the Council is satisfied that:
- (i) the purpose of the disposal will facilitate the improvement of the economic, environmental or social well-being of the Council's area
 - and
 - (ii) the difference between the price/rent being obtained by the Council and open market value/best consideration is less than £2 Million

(As Library Lawn is 'open space' land used by the public for recreation) Section 123 of the LGA 1972 requires that before any lease is granted by the Council it must:

- (a) publish a notice in two consecutive editions of a local newspaper advertising its intention to grant a lease and
- (b) consider any comments/objections received in response to the notice

24. **Crime and Disorder** – There are no implications.

25. **Information Technology (IT)** – There are no implications.

26. **Property** – covered in the report Property Services confirm that in their opinion the difference between the price/rent being obtained by the Council and open market value/best consideration is less than £2 Million.

Risk Management

27. In compliance with the Council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to damage to the Council's reputation and failure to meet stakeholders' expectations. The level of risk is assessed as "Low".

Contact Details

Author:

Nick Collins
Head of Asset
Management
Tel: 01904 552167

Chief Officer Responsible for the report:

Tracey Carter
Assistant Director for Regeneration,
Economic Development and Asset
Management

Andrew Laslett
Strategic Services
Manager
Communities and
Equalities
Tel: 01904 553370

**Report
Approved**



Date 30.6.20

Charlie Croft
Assistant Director for Communities and
Culture

**Report
Approved**



Date 30.6.20

Specialist Implications Officer(s)

Patrick Looker
Finance Manager
Tel No. 01904 551633

Gerry Allen
Senior Solicitor
Tel No. 01904 552004

Wards Affected: Guildhall Ward

For further information please contact the author of the report

Background Papers: None.

Annexes

Annex A – Lease Plan