

Executive

22 October 2020

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)

Proposed Lease of Library Lawn to Explore York Libraries and Archives Mutual Limited

Summary

1. Explore York Libraries and Archives Mutual Limited ('Explore') hold 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. Executive approval was provided in July 2020 to grant Explore a lease of the Library Lawn and the 'Store' until 31st March 2034 for exclusive use by Explore for cultural activities. This was subject to advertising the Council's intention to dispose of open space and grant a lease of the area.
2. The Council is obliged to advertise the proposed disposal of open space for public comment (Known as a Section 123 open space notice) and this report put before Members to convey the results of the public consultation undertaken and consider whether Executive wish to proceed with the decision taken in July.

Recommendations

3. Executive are asked to consider the comments/objections received and:
 - 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 previously in the July Executive report to enable them to deliver Cultural activities.

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

Background

4. On 23 July 2020 Executive gave in-principle approval to the granting of the proposed lease subject to publication of a Section 123 Open Space disposal Notice and consideration by Executive of any comments or objections received from the public in response to that Notice.
5. The Section 123 Open Space notice was published in the York Press on 13th August and 20th August 2020. The Notice indicated that comments or objections on the proposal should be submitted to the Council by 10th September 2020.
6. Only one comment/objection was received in response to the Notice, from a resident of St Leonard's Mews who submitted the following comment/objection;

“Your plan to develop a small parcel of land adjacent to the Explore York Library into a mini-golf course is economically naïve, unwanted and totally out of character in its current tranquil surroundings. Do you really think visitors to York on a cold, wet, wild winter’s weekend, in say February, will want to face up to the elements and putt golf balls through an obstacle course, and make money for the City Council at the same time? Completely barmy!”

Consultation

7. In addition to publication by the Council of the Section 123 Open Space Notice, Explore have carried out a period of consultation over its long and short term plans for Library Lawn.
8. Explore held two public consultation events by Zoom in August/September due to social distancing to inform the public about Explore’s short and long term plans for Library Lawn.

9. The Zoom event included Fiona Williams (CEO - Explore) detailed the long term vision for the space to bring the cities archives to life and with exhibitions, whilst David Finch/Helen Birkett (York Mini Golf Ltd) talked about their plans for a 12 hole mini golf attraction on the site for the next 5-6 years in the theme of York's history, which Susan Brook (Finance Manager – Explore) explained was to help Explore generate income to support the long term plans.
10. The consultation events were attended by approximately 30 people and the feedback was very constructive. Some comments were that there would be noise created by the attraction visitors and so might be distracting for people studying or working in the library/archives. Explore explained this would be mitigated by looking at the air cooling in the upper floor at the library. In addition people gave feedback suggesting alternative uses of the site but all would require resource both financial and staffing which we don't currently have. There was also some positive support for the plans with various organisations wanting to be part of the stakeholder group looking at the long term plans and seeing that the increased numbers could have positive benefits both for the library and their organisations.

Options

11. Members have the option to approve in accordance with the July decision or reject/refuse the granting of the proposed lease to Explore in light of the feedback from the Section 123 notice.

Analysis

12. The July report sets out in full the benefits of this proposal, to offer Explore a lease of the library lawn and adjacent Store building at a peppercorn rent until 31st March 2034. The proposal 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 Explores business plan to maintain the level of public libraries in York.
13. 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.

14. 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

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

Implications

16. **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.
17. All legal costs will be paid for by Explore and this proposal does not financially risk the Library and Archive contract with the Council.
18. Explore's ability to enter a sub-lease with a third party will require the Council's approval, under the terms of any new lease.
19. **Human Resources (HR)** – There are no HR implications.
20. **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.
21. **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

22. Crime and Disorder – There are no implications.

23. Information Technology (IT) – There are no implications.

24. Property – 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

25. 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".

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Report **Date** 22.09.20
Approved

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Assistant Director for Regeneration,
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Report **Date** 22.09.20
Approved

Specialist Implications Officer(s)

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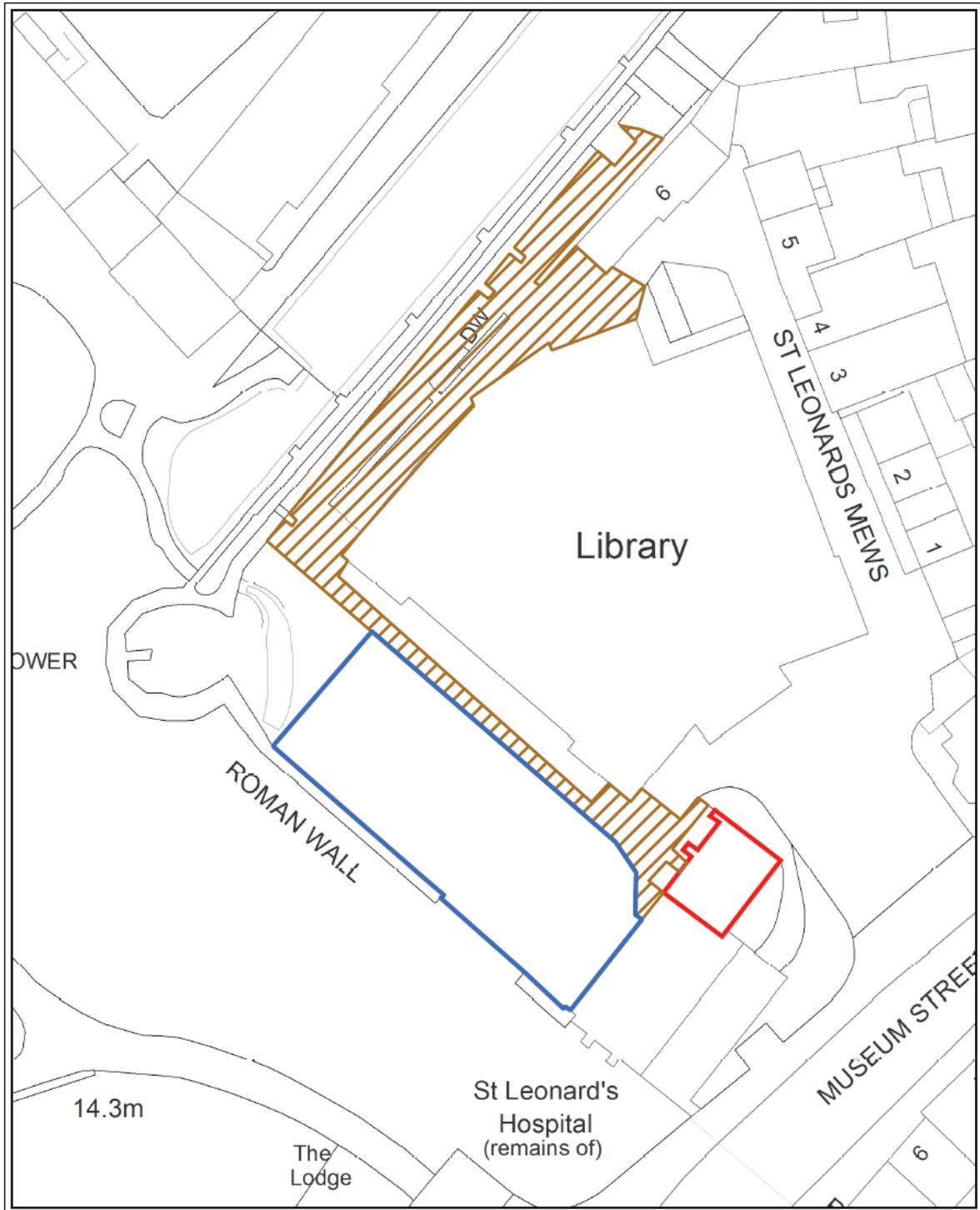
Background Papers:

Executive – 23 July 2020 – Item 15 Library Lawn Lease

Annexes

Annex A – Lease Plan

Annex A (Blue line = Library lawn, red line = St Leonard's Hospital ruins store, brown hatched = Public right of way)



	<h2>York Explore Lease Plan</h2>		
<p><i>Asset & Property Management</i></p>	<p>SCALE 1:500 DRAWN BY: KLM DATE: 30/06/2020</p> <p>Originating Group: Asset & Property Management</p>	<p>Drawing No. _____</p>	
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