

CABINET

Corporate Non-Housing Property Portfolio Improvement Works: Mitre House Car Park & Lancaster Town Hall Memorial Gardens

28th May 2013

Report of Head of Environmental Services & Head of Resources

PURPOSE OF REPORT			
To provide further information in respect of Mitre House Car Park and Lancaster Town Hall Memorial Gardens in accordance with Minute 149.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date Included in Forthcoming Key Decision Notice			1 st May 2013
This report is public			

RECOMMENDATIONS OF COUNCILLOR HAMILTON COX:

That the Mitre House Car Park Works and Lancaster Memorial Gardens Railings Refurbishment projects be completed in this year, as part of the Year 1 Delivery Plan.

1 Background

1.1 Following consideration of the Property Portfolio: Year One Delivery Plan' at Cabinet in April it was decided that the recommendation as set out in the report be approved, but that further reports be produced with regard to the Memorial Gardens, Lancaster and Mitre House, Lancaster with the decision in respect of Mitre House, deferred for the time being.

1.2 Further reports were requested on two of the proposed projects included in the report, because queries or issues along the lines of the following were raised:

1.2.1 Mitre House Car Park

Why were the repair and maintenance costs included in this report not

included in a previous report submitted to Cabinet in November 2012?

(The earlier November report provided background information on the status of the car park and the current arrangement with Parksafes, including relevant information on the strategic importance of the car park to the Council and outlined options for the future management of the car park. In addition to this the landlord had asked the Council if it would be prepared to surrender its leasehold interest in the car park which was signed in 1980 for 125 years.)

1.2.2 Lancaster Town Hall Memorial Garden Railings

Subject to gaining clarification on any listing, what options are there other than refurbishment of the railings to the memorial gardens?

- 1.3 This report provides additional information on these two projects, and seeks approval for them to go ahead as originally planned.

2 **Report**

2.1 Mitre House Car Park

Although the report about the Mitre House car park considered by Cabinet in November 2012 dealt with both the financial and strategic issues, the financial appraisal was close and therefore it is considered that the decision reached was primarily based on the strategic issues.

Therefore, the indicative cost of £60K for the works required to the structure, although not available for inclusion at the time of writing, was essentially immaterial because under the terms of the lease a surrender would have resulted in the landlord serving a schedule of dilapidations requiring the Council to carry out the work or alternatively considering the issue as part of financial settlement. Essentially, the financial liability for the repairs would have remained with the Council in both the retention and surrender scenarios.

2.2 Lancaster Town Hall Memorial Garden Railings

The recent condition survey of the Memorial Garden provided an indicative cost for refurbishment of the existing railings. As raised in the April meeting this was not seen as the only option, however, and removal or replacement of the railings with some other boundary (such as hedging) had been highlighted as potential options. At this time there was some doubt around listed status of the railings because they were erected some time after the construction of the main building. However, further research has now been undertaken and the relevant legislation states that:

“Any object or structure fixed to the building; or any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building”.

Although it is currently difficult to prove definitively, at this time it is assumed that the railings were erected around the same time as the war memorial. This dates back to around 1924, although it is known that further works were done to the memorial after the Second World War. Investigations made

through the County Archivist provide no evidence to the contrary regarding the railings.

Unless any further information comes to light, therefore, the working assumption is that the removal of the railings would require listed building consent and it is the opinion of the Conservation Officer that removal or replacement of the railings would not be granted consent and therefore refurbishment is the only option.

3 Details of Consultation

3.1 As mentioned in section 2 above.

4 Options and Options Analysis (including risk assessment)

4.1 Given the information provided, no options are presented, other than approve the two projects as originally reported.

5 Officer Preferred Option (and comments)

5.1 Proceed with both projects as set out in the Corporate Non-Housing Property Portfolio Improvement Works: Year 1 Delivery Plan

6 Conclusion

6.1 This report provides further information in respect of Mitre House Car Park and Lancaster Town Hall Memorial Gardens in accordance with Minute 149.

RELATIONSHIP TO POLICY FRAMEWORK

This report seeks to ensure that the Council's property portfolio is fit for purpose in terms of supporting the Council's corporate plan and policy framework generally, recognising the financial pressures.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Proposed building works would address any related statutory responsibilities

LEGAL IMPLICATIONS

Legal have been consulted and have no further comments to make

FINANCIAL IMPLICATIONS

As referred to in the April Cabinet Report, the proposals are in line with the approved budget and Medium Term Financial Strategy.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

There are no specific HR matters relating to this report

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has contributed to this report, which is partly in her name (as Head of Resources).

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

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