

WIRRAL COUNCIL

SUBJECT:	BYRNE AVENUE RECREATION CENTRE, BYRNE AVENUE, ROCK FERRY
WARD AFFECTED:	ROCK FERRY
REPORT OF:	ASSISTANT CHIEF EXECUTIVE
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise Members of the present position in respect of Byrne Avenue Recreation Centre and to seek authority to grant a lease to the Byrne Avenue Trust.
- 1.2 As part of the Council's five year plan, the proposals in the report support the following pledges contained in the plan:
- Leisure and Cultural Opportunities for all.
 - Wirral Residents live healthier lives.
 - Council making better use of its assets.

2.0 BACKGROUND INFORMATION

- 2.1 Byrne Avenue Recreation Centre was built in the 1930's and run as an operational Council swimming pool until 1995. In 1995 the building was leased to The Byrne Avenue Recreational Trust (BART) who continued to run the building as a swimming Pool/recreation centre. At the time the building was leased to BART certain elements of the building were in poor structural condition. The Trust was unable to secure funding to address the repair issues and only temporary repairs were carried out.
- 2.2 The Trust ceased trading on 15th February 2009 and the building was returned to the Council. Cabinet on 28th May 2009 confirmed that the facility was not required for the delivery of Council services and declared it surplus.
- 2.3 The property was advertised for Community Asset Transfer in 2009 and the successful applicant was Byrne Avenue Community Trust (BACT). Cabinet on 4th November 2010 requested that £350,000 from the Community Fund be allocated to support the Community Asset Transfer of Byrne Avenue.
- 2.4 BACT completed a 99 year lease on the 10th February 2012. Under the terms of the lease BACT had twelve months (by 10th February 2013) to secure all funding to complete the refurbishment which BACT estimated at £700,000.

2.5 BACT was unsuccessful in securing the funding and Cabinet on 9th November 2013 resolved that possession of the property be taken from BACT, that the £350,000 grant be withdrawn and for the property to be disposed of in accordance with the Council's Disposal Policy. As BACT no longer had the lease of Byrne Avenue Recreation Centre the company was formally dissolved in August 2015. A new company Byrne Avenue Trust (BAT) has been formed in December 2015.

3.0 CURRENT POSITION

3.1 The property was inspected in February 2014 by English Heritage and in November 2014 was listed Grade II by Historic England. As the building is now Grade II Listed the Council cannot allow the building to deteriorate. The Council must carry out essential maintenance to the building to ensure it is wind and water tight and that the building does not deteriorate further.

3.2 The long term future needs to be secured as estimates to fully refurbish the building are in the region of £5 to £6 million.

3.3 Discussions have taken place again with Byrne Avenue Trust (BAT) which was set up with the purpose to restore, refurbish and re-open Byrne Avenue Baths as a sports and community centre. The Trust is a not for profit organisation and any profits will be reinvested into the building and its activities.

3.4 BAT has prepared a new business plan in 2015 and is looking again to take over the control of the Byrne Avenue Baths in its entirety. BAT has a *fifteen* year phased approach to the refurbishment and restoration of the building. This approach enables BAT to re-open some areas of the building within *five* years, and put them back into community use. Project work will be funded through a combination of fundraising, community events, grants and the Heritage Lottery. There is realistically no quick fix and BAT considers that it may take two or three years to access the funding to undertake the major works. The plan incorporates Wirral Council allocating £350,000 from The Community Fund.

3.5 The business plan was assessed by colleagues from Financial Services and Sport and Recreation. Concerns over occupancy and charging were raised but BAT is confident that they can be achieved.

3.6 The proposal is to grant BAT a 99 year lease of Byrne Avenue Recreation Centre, which would make the Trust responsible for its maintenance and outgoings, with £350,000 allocated from the Community Fund. Initially £75,000 would be transferred to BAT to cover essential repairs/costs/fees.

3.7 The remaining £275,000 would be paid to BAT over a period of time, in line with their business plan to develop the building and would be used to undertake the essential and urgent repairs, to stop the building falling into further decline and carried out in accordance with the Listed Building Regulations. It would also be used for necessary professional fees so that work can begin on the changing rooms and main sports hall.

The work includes:

Estimated costs

Urgent repairs, roof/gutters/windows/pigeon removal	£110,000
Professional fees (Project Coordinator, Architect, Chartered Surveyor)	£40,000
"Deep Clean" sanitisation after pigeons	£10,000
Changing rooms refit	£50,000
Electrical works	£25,000
Heating	£35,000
Sport Hall redecoration (redecoration only, windows included in urgent costs)	£ 5,000
Sport Hall floor restoration	£25,000
Office restyle and interior decoration	£15,000
Contingency	£35,000
Total	£350,000

3.8 The lease would be conditional on the following actions:

- A schedule/programme of agreed works to be undertaken to the building
- The inclusion of timescales for those works, including specific milestones, against which performance will be measured

3.9 If the lease of the building to BAT does not proceed with the £350,000 from the Community Fund, the cost of the essential repairs to comply with the Grade II Listing of the property, estimated initially at £300,000 will need to be met from the Council's capital programme. The Council will remain responsible for the building which will remain closed and an unused asset.

3.10 If Members are minded to give BAT a further opportunity under Community Asset Transfer, it is recommended that the Council transfers the building by granting a lease on the basis set out above, with detailed terms to be agreed by the Assistant Chief Executive.

3.11 *It is proposed that a break clause will be included in the lease if the staged works are not completed in the time scale, but the break clause will be removed if BAT either :-*

- *Secure approval to receive £1m funding from Heritage Lottery or*
- *Receive an additional £1m funding from any other source.*

4.0 RELEVANT RISKS

4.1 Until any lease is signed, the Council will continue to be responsible for all costs associated with the building.

4.2 Risks arise in the event that BAT is unable to meet the conditions of the lease, or fails to secure the necessary funding to complete the refurbishment, in which case responsibility will revert to the Council.

4.3 If the lease to BAT does not proceed there is a risk that the £350,000 will not be available from the Community Fund.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 Do nothing and retain the building – As the building is now Grade II Listed the Council cannot allow the building to deteriorate. The Council must carry out essential maintenance to the building to ensure it is wind and water tight and that the building does not deteriorate further. It is estimated that the initial remedial repairs required will be approximately £300,000. This would not bring the building back into use and it would remain an unused asset.
- 5.2 Sell the Freehold of the building - There would be no guarantee that the building would be refurbished or even maintained to an acceptable standard as a Grade II Listed Building. The Council would have no control over the future of the building which could be left vacant and unused by the purchaser and may become vandalised and detrimental to the surrounding area.
- 5.3 Re-advertise the building for Community Asset Transfer. Byrne Avenue Trust (BAT), formerly Byrne Avenue Community Trust, was set up with the purpose to restore, refurbish and re-open Byrne Avenue Baths as a sports and community centre. The Trust is a not for profit organisation and any profits will be reinvested into the building and its activities. It is not considered that there are any other more suitable organisations to undertake the refurbishment of Byrne Avenue Recreation Centre.
- 5.4 Demolish the building. The Building became Grade II Listed in November 2014 and the demolition of a Listed Building will only be permitted in the most exceptional circumstances.

6.0 CONSULTATION

- 6.1 As part of the process of compiling its business plans, BAT has consulted potential customers and other user groups who might use the facility if it was reopened following refurbishment

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 The building was previously run by a voluntary group, which was unable to continue to operate the premises as a swimming pool. The building was advertised for Community Asset Transfer (CAT) in accordance with the Council's CAT policy in 2009 and BACT was the preferred bidder.

8.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 8.1 The proposal is to grant BAT a 99 year lease of Byrne Avenue Recreation Centre, which would make the Trust responsible for its repair, maintenance and outgoings.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 9.1 The works identified to completely refurbish the Centre is estimated to be in the region of £5-6 million.
- 9.2 The £350,000 is earmarked from the Community Fund (which is time limited) to fund essential repairs required to the building.

- 9.3 The annual costs incurred by the Council in maintaining this vacant building is approximately £13,000 p.a. including security, electricity, insurance, and boarding up. If the lease of the building to BAT does not proceed with the £350,000 from the Community Fund, the cost of the essential repairs estimated initially at £300,000 will need to be met from the Capital Programme.
- 9.4 As the building is Grade II Listed and due to the current condition, it is considered to have no value on the open market.
- 9.5 There are no IT implications arising from this report.

10.0 LEGAL IMPLICATIONS

- 10.1 Approval of the recommendation will require the Council to prepare the appropriate legal documentation.

11.0 EQUALITY IMPLICATIONS

- 11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes, an impact review can be viewed by following the link – <https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-chief-executives-d>

12.0 CARBON REDUCTION IMPLICATIONS

- 12.1 The building is currently vacant. The carbon emissions are 4.723 tonnes.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 13.1 Byrne Avenue Recreation Centre is shown as part of a Primarily Residential Area in the Council's Unitary Development Plan.
- 13.2 Planning permission would not be required to re-use the building as a swimming pool and sports centre, although any works affecting the character, appearance or historic interest of the building may need an application for Listed Building Consent.

14.0 RECOMMENDATIONS

- 14.1 That a lease of Byrne Avenue Recreation Centre be granted to Byrne Avenue Trust (BAT) with £350,000 allocated from the Community Fund on the terms reported.

15.0 REASON/S FOR RECOMMENDATION

- 15.1 To enable a lease to be granted and funds allocated from the community fund.

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APPENDICES

Location plan

REFERENCE MATERIAL

No reference material has been used in the preparation of this report