

Report of the Directors of City Development and Children's Services

Report to Scrutiny Board (Sustainable Economy and Culture)

Date: 17th September 2013

Subject: West Park Centre

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Weetwood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This report provides the Sustainable Economy and Culture Scrutiny Board with information relating to the background and the decision to temporarily close the West Park Centre on 2nd November 2012 and, to the deterioration in the condition of the centre leading up to that date. The report details the basis of the decision to temporarily close the centre, how the users of the centre were informed of its temporary closure and outlines the events leading to the use of the centre on 3rd November 2012 after the decision had been taken to temporarily close it.

The report proceeds to review the condition of the centre at the time of its temporary closure, the decision making process regarding maintenance investment in the building and the basis of the cost estimates for both maintaining the building and the cost estimates for bringing the building up to a satisfactory condition for the various activities that the centre hosted.

The report details occupation levels within the centre at the date of its temporary closure, provides information in respect of the centre's running costs and summarises plans and consultation undertaken with regard to the future of the centre. The report concludes by identifying a number of proposals which if implemented would endeavour to ensure that the issues encountered at the West Park Centre are not repeated in respect of the management of the Council's property portfolio.

Recommendations

- 1 Scrutiny Board (Sustainable Economy and Culture) is asked to note the contents of this report.

1.0 Purpose of this report

- 1.1 The purpose of this report is to provide the Sustainable Economy and Culture Scrutiny Board with information to assist in the Board's examination of the temporary closure of the West Park Centre in November 2012 and the deterioration in the centre's condition leading up to that date.

2.0 Background Information

- 2.1 The West Park Centre (the centre) is a former secondary school which opened in 1951 and closed in 1989.
- 2.2 After being used as a temporary decant for nearby schools the centre was occupied by the schools music service. Opera North and Northern Ballet were based in the centre for a number of years but moved out in 2009 and 2010 respectively following significant investment in the refurbishment of the Leeds Grand Theatre and the development of new headquarters and rehearsal space on Quarry Hill for Northern Ballet Theatre, both projects involving significant financial support from the Council.
- 2.3 Since being vacated by Opera North and Northern Ballet Theatre, the centre has been mainly used to provide facilities for Artforms, the schools music and arts service. The property management of the centre was undertaken by the former Education Department. Artforms used the property as office space as well as for service delivery, taking advantage of the large hall, smaller spaces suitable for rehearsals and space for instrument storage.
- 2.4 Artforms let empty rooms in the building to a variety of groups, but particularly organisations looking for space for music and dance rehearsals and performances. These groups originated from across the city and further afield. At the time of the centre's temporary closure in November 2012, some 34 groups/organisations used the centre at varying times during the week. A schedule of centre users is detailed in Appendix 1 to the report.
- 2.5 Following a health and safety inspection of the property which highlighted a number of concerns regarding the condition of the centre, the Acting Chief Asset Management Officer, in consultation with the Executive Member for Development and Economy, determined to temporarily close the centre on 2nd November 2012 due to health and safety concerns identified. Principally the issues identified related to the condition of the centre's electrical installation, the building fabric and associated risk of water penetration.

2.6 At its meeting in December 2012, North West (Inner) Area Committee resolved that the manner in which the West Park Centre was temporarily closed and the decision making process around the future of the centre be referred to Scrutiny for further investigation.

3.0 Main issues

Scrutiny Board has asked that the issues under the following headings are addressed in this report.

(i) The basis of the decision to temporarily close the centre

- 3.1 Asset Management Board (AMB) at its meeting on 1st November 2012, considered a report on a proposed relocation option for Artforms and other activities based in the centre. Whilst the main purpose of the report was to seek support for users' relocation from the existing centre, the report made reference to comments made by officers from Corporate Property Management (CPM) in respect of the condition of the electrical installation in the centre. AMB was advised that *"the main switchgear [in the centre] could actually be described as dangerous and a major health and safety risk"* and that the estimated cost of rectifying the electrical issues only would be in the region of £150-170k, with the centre's other services and building fabric remaining in its current poor condition. Members of AMB, which was attended by the Acting Chief Asset Management Officer, the Chief Officer (Strategy, Commissioning and Performance) in Children's Services and the Head of Corporate Property Management among others, raised concerns about CPM's findings on the condition of the centre's electrical installations.
- 3.2 AMB agreed that urgent action was required and that an immediate assessment of the danger had to be made with a view to evacuating staff and closing the building if this was required. It was agreed that the Head of Corporate Property Management would arrange for urgent confirmation of the state of the electrical installations and, that any decision to close the centre (if required) would be made by City Development Asset Management officers in consultation with the Executive Member for Development and the Economy. A copy of the minutes of the meeting of AMB held on 1st November 2012 is attached at Appendix 2 of the report.
- 3.3 On 2nd November 2012, CPM presented a report (attached as Appendix 3) in respect of their health and safety concerns and the future operation of the Centre. The report detailed CPM's health and safety concerns in respect of the future operation of the centre and highlighted the potential dangers and the likelihood that if an incident occurred the Council would likely be prosecuted. A briefing note dated 2nd November 2012 was prepared for the attention of the Executive Member for Development and the Economy (attached at Appendix 4) and, in consultation with the Acting Chief Asset Management Officer, the decision was taken to temporarily close the centre with immediate effect and to either cancel or relocate the events planned for that weekend.

3.4 Subsequently the centre's electrical installation failed its testing shortly after closure. The electrician's report dated 8th November 2012 (copy attached at Appendix 5) identified seven items classified as Code 1, defined as 'Danger Present. Risk of injury. Immediate remedial action required'. The items identified were as follows:

- Main MCCB panel wired in old VIR cables.
- Main MCCB panels all have asbestos flash pads, flash guards and seals fitted.
- Signs of overheating in cables.
- Atmospheric corrosion to bottom of MCCB.
- Caretakers DB all cables jointed our using connectors and main supply into Henley Block instead of insulators.
- Some distribution boards wired from existing DB and not fused down the cables.
- Majority of lighting wired in VIR with conduit used as CPC.

(ii) Communication with users and implementation of the decision

3.5 The decision to temporarily close the centre was taken at around 4pm on Friday 2nd November, which was the Friday of the half term week. At that time the priority was to vacate the building and to contact users who had bookings for the forthcoming weekend to inform them that the centre would be closed. Alternative plans were made for some users, but it was acknowledged that at least one regular booking from Leeds Reformed Baptist Church would have to be cancelled for that weekend. It was agreed that users with lettings for the following week would be contacted on Monday to advise them of the centre's temporary closure.

3.6 Weetwood Ward Members were informed by telephone shortly after the decision had been taken and Kirkstall Ward Members were sent an email advising them of the centre's temporary closure given its close proximity to their Ward.

3.7 Officers, including the Head of Young People and Skills, attended the site on Saturday morning to inform users of the situation and direct people to alternative venues. Officers also attended the site on Sunday morning to ensure that the congregation of Leeds Reformed Baptist Church were aware that the centre was closed.

3.8 Arrangements were made for Council staff based at the Centre to relocate to Merrion House and Adam's Court with storage space provided at Domestic Street in Holbeck. External users were contacted and advised to make alternative arrangements for the forthcoming week. Those users who had items stored on site or who used the centre as their operational base were allowed supervised access to their belongings, but only during daylight hours.

3.9 All users of the centre with bookings were contacted by Council officers and offered assistance to find suitable alternative venues for their activities. Although immediately following the temporary closure of the centre some users had to cancel activities, alternative accommodation was found for the majority of users, either with assistance from the Council or by the users themselves. Users were offered storage space and assistance with moving costs. Those moving into Council properties were not charged any more than they were paying at the West Park Centre and those incurring moving costs were offered financial assistance.

(iii) Use of the Centre on 3rd November 2012

3.10 An event in the centre was scheduled for Saturday 3rd November involving the Russian School Baltika which included attendees from Eastern Europe and from across the UK, as well as the Lord Mayor. Plans were put in place to move the event to the nearby Lawnswood School. However, on the day, it became apparent that the nature of the event was not really workable at Lawnswood and that attendees were coming from all over the country. Cancelling the event would have caused significant disruption to a large number of people and damage to the reputation of the Council, which led the officer on site on the day to take the decision to allow the event to proceed in the centre. Limited parts of the building were open and accessible to the public and only Council officers operated electrical equipment. It is acknowledged that this was the wrong decision and the event should not have been allowed to proceed following the decision to temporarily close the centre the previous day.

(iv) The maintenance status of the building and the historical background to this

3.11 Since closure as a school the building was used by the former Education Department, and then the former Education Leeds, as a base for the schools' music service and expressive arts services. As there has continuously been surplus space beyond that required by these services, the building was made available for community and private lettings.

3.12 Opera North and Northern Ballet Theatre used the available space in the centre as a base for their activities from the mid-1990s until both companies vacated the centre in 2009 and 2010 respectively. Whilst the centre was occupied by Northern Ballet Theatre, members of the community presented a deputation to Council in January 2009 to seek confirmation that the centre would be retained as a community and cultural resource after vacation by Northern Ballet.

3.13 The former Education Leeds undertook condition surveys of the whole building in a consistent format in 2004 and 2009 in accordance with DfES requirements and guidance. The surveys forecast expenditure across three priority categories denoting urgency of work over a five year period. The suggested and profiled costs were summarised against the standard

elemental description defined by the former DfES.

- 3.14 The 2004 survey forecast indicative expenditure of £1,530,904 across a five year period, with a forecast of £237,087 against the most urgent works. Across the five year period, the most substantial works forecast were mechanical services at £362,331 and electrical services at £597,532.
- 3.15 The most recent condition survey of the building, commissioned by the former Education Leeds in 2009, forecast indicative expenditure required of £2,182,876 across a five year period, with a forecast of £201,233 against the most urgent works of which around £192,000 related to the building's electrical installations. Across the five year period, the most substantial works forecast continued to be mechanical services at £641,688 and electrical services at £711,129.
- 3.16 Condition surveys of the whole building are largely visual and non-intrusive. A visual (Type 2) asbestos survey was undertaken in 2004, which indicated the majority of asbestos that could be seen to be present was 'low risk' requiring monitoring by the building occupant/service user for further deterioration or disturbance. In 2005, asbestos insulation, wall lining, sheets and dust and debris were removed on an urgent basis in the boiler house and oil tank room and reoccupation certificates issued.
- 3.17 A second asbestos survey was commissioned in 2009 by the former Education Leeds, which indicated the asbestos that could be seen to be present was exclusively 'low risk'; for management in situ and monitoring on a 12 month basis by the building occupant/service user to discharge the responsibility of the 'Duty Holder'.
- 3.18 The former Education Leeds commissioned six-monthly inspections of plant and equipment from Zurich Municipal, school insurers. Records are readily available for West Park from 2007. Equipment inspected included boilers, lifts, pressure vessels etc. considered to have a potential health & safety impact. The reports were forwarded to the corporate central safety section. The building's user/services were made aware of the stewardship responsibility to act on the recommendations of each report.
- 3.19 A security audit was undertaken in 2009 by the former Education Leeds health & safety, which made a number of recommendations for management solutions rather than building adaptations.
- 3.20 As it had been intended since at least 2003 to rationalise the former Education Leeds education centres and staff accommodation that were not operational schools, by requesting corporate assistance to find alternative accommodation, the focus of expenditure had been on a health & safety/reactive basis only as indicated above. Members of Scrutiny Board should note that between 2002 and 2011, £401,178 was spent by the former Education Leeds on health & safety related works. In addition between 2002 and 2013 a total of £286,079 was spent from service revenue budgets on building maintenance.

3.21 The decision to temporarily close the building was taken on 2nd November 2012 based on the findings of a health and safety inspection of the building undertaken by CPM. Overall the electrics were considered to be in a very poor state with numerous parts of the electrical installation giving serious cause for concern, whilst emergency lighting provision was considered to be virtually non-existent, the fire alarm was identified as being “seriously deficient”, with large areas of the building fabric identified as being “generally in a very poor condition”.

(v) Decision making about maintenance investment in the building

3.22 In 2003, the former Education Leeds started to consider its long term accommodation requirements to upgrade poor condition staff accommodation and provision in centres other than operational schools.

3.23 In 2008, the Director of Planning and Learning Environments in the former Education Leeds presented a report to the Council’s Asset Management Group on Education Leeds office accommodation. The report committed to a long term intention to vacate the three main office bases (other than Merrion House) around the city, to improve accommodation and realise capital assets. The report acknowledged the minimal capital investment in converting these premises to current use; and that the rate of progress toward vacating sites would be dependent upon the identification of suitable and improved alternative accommodation.

3.24 The report acknowledged the significant number of external lettings at West Park in addition to the occupation of Artforms, the music service. The report also identified that the Council was committed to the continued use of West Park until after the relocation of Northern Ballet, which was then thought to be in 2010 at the earliest. It was therefore stated that in conjunction with other partners such as Learning & Leisure, West Park should be considered separately to the Education Leeds Accommodation Strategy, in respect of its future and government policy for the cultural development of children and young people.

3.25 Following a deputation to Council in January 2009, to seek confirmation that the centre would be retained as a community and cultural resource after vacation by Northern Ballet, the Director of City Development presented a report to Executive Board in May 2009. Executive Board agreed that consultation with user groups and community organisations take place and that an options appraisal looking at the future of the centre be undertaken.

3.26 In December 2009, a report was presented by Strategic Asset Management to the Inner North West Area Committee (attached at Appendix 6), reiterating that the building was not financially sustainable for the former Education Leeds and that Artforms, the music service should be relocated. The report acknowledged that only reactive maintenance had been carried out since before the building closed as an operational school and that a significant level of backlog maintenance had accumulated. The resource implication

identified was that the level of investment required to bring the building up to standard was unsustainable from the former Education Leeds' and Environments & Neighbourhoods budgets. The report identified that subject to agreement on a relocation proposal the building only had a short term future for Educational purposes.

- 3.27 Education Leeds occupied the West Park Centre under the terms of a lease with the Council. Responsibility for management of the buildings was not formally delegated to any individual or team specifically. The heads of Centre arranged for such maintenance as was considered necessary resulting in expenditure of £687,257 over a ten year period. Condition surveys were carried out in line with the rolling 5 year programme in schools, and provided to the Council.
- 3.28 Government grant for schools capital earmarked funding to be spent on operational schools only and not on office accommodation. Since 2010, there has been an affordability gap between levels of funding and the requirement for sufficient school places to meet statutory duty. Therefore, even if the schools capital had not been earmarked for spending on operational schools, there would have been insufficient funding to meet the condition requirements of West Park from either Education capital grant or service revenue budgets.

(vi) Information about the costs of maintenance, including the accuracy of estimates for work required

- 3.29 In respect of the indicative costs arising from the two condition survey reports commissioned in 2004 and 2009, forecast costs are based on a national schedule of rates and are for guidance purposes only and are not definitive. The forecast costs would be subject to inflation and regional variation. As the surveys are non-intrusive, whilst the asbestos register, gas safety check and electrical testing records would have been made available, the forecast costs would exclude the cost of associated works such as asbestos removal.
- 3.30 Should any areas of work have been taken forward for implementation, feasibility studies would have been commissioned and costs would have been increased by the inclusion of fees and contingency provision. Therefore, the forecast costs would have been understated by the exclusion of inflation, any regional variation, associated works/abnormals, fees and cost contingency.
- 3.31 In November 2012 the Council commissioned Arup Group Ltd (Arup) to undertake a review of the 2009 condition survey. The Arup report dated 26th November 2012 advised that based on a visual inspection of the centre and a desk top review of the previous survey information that to carry out works only to the centre's mechanical and electrical services, necessary to bring the building back into use would cost £0.9m. Members of Scrutiny Board should note that the cost estimate of £0.9m excluded repairs to the building fabric, with Arup advising that the costs for fabric repairs as contained in the 2009 condition survey were considered to be representative of the level of

expenditure required to ensure safe access to and within the building. However, in their conclusion Arup advised “the condition of the fabric, the requirement for potential asbestos removal and associated improvements to fabric elements and windows required for energy efficiency may prove less cost effective than demolition and rebuild to meet specific end user requirements”. The report also stated “the absence of compliant building services installations present a potential health and safety risk and in our opinion justify the decision to close the facility to public occupation appears justified.”

3.32 In April 2013, Arup undertook a more detailed investigation of the site and presented a feasibility study in associated with Davis Langdon, cost consultants. The study looked at the partial demolition option but identified three levels of refurbishment that could be undertaken. For a full refurbishment of the remaining building, costs were estimated to be £4.2m including demolition, fees and contingencies. A more moderate refurbishment would cost £2.6m inclusive and, just addressing the immediate health and safety issues would cost an estimated £1.5m. The report was undertaken by mechanical and structural engineer associates, a senior structural engineer, a senior mechanical engineer and an electrical engineer, all appropriately qualified, whilst cost estimates were provided by Davis Langdon.

(vii) Occupation levels with the building

3.33 At the time of the centre’s temporary closure on 2 November 2012, 34 groups/organisations used the centre. Details of the centre’s users are contained in Appendix 1 of the report. Large parts of the building were unused or under-used. Following Northern Ballet’s relocation the space they occupied including the upper main corridor and the first floor gymnasium were hardly used.

(viii) Income levels and the costs of operating the centre

3.34 Annual income figures in respect of the total income received for use of the centre against running costs are available to closure in 2012/13. The building’s running costs include the cost of caretaking, utilities and NNDR, and are as follows:

Year	Income	Running costs	Deficit
2002/03	£30,941	£203,100	£172,159
2003/04	£34,701	£250,950	£216,249
2004/05	£31,582	£302,900	£271,318
2005/06	£51,266	£287,850	£236,584
2006/07	£38,761	£284,530	£245,769
2007/08	£50,849	£298,980	£248,131
2008/09	£50,401	£331,450	£281,049

2009/10	£66,202	£303,400	£237,198
2010/11	£55,735	£275,250	£219,515
2011/12	£47,434	£345,680	£298,337
2012/13 (part year)	£39,144	£239,000	£199,856

(ix) Previous plans and consultation on the future of the building

3.35 It was acknowledged that following Northern Ballet's relocation from the centre that a large percentage of building would become unused. Education Leeds had made a commitment to use the building until that time, but had requested corporate assistance in finding alternative accommodation, after Northern Ballet had vacated the centre as the building was unsustainable financially. Artforms accommodation needs were to be reviewed separately from the Education Leeds Office Accommodation Strategy. Following a deputation to Council in 2009, Executive Board instructed officers to begin consultation and an options appraisal into the future of the building. Delays to Northern Ballet's relocation and Artforms funding issues, particularly in line with government policy for cultural development for children and young people, led to this work not being completed.

3.36 Following a further deputation to Full Council in April 2011, Executive Board again agreed that an options appraisal be undertaken looking at the future of the West Park Centre. Consultation began in October 2011 and 135 responses were received from local residents and users of the centre. The consultation included an open evening in the centre and one to one meetings with major users. Although not asked as part of the consultation, 58 respondents took the opportunity to express their preferred option for the future of the building and all preferred options that would see service delivery continue from the site, either from the whole building or following partial demolition.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 There are no implications for consultation and engagement with regard to the contents of this report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The report has no implications for equality and diversity / cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 There are no implications for Council Policies and City Priorities.

4.4 Resource and Value for Money

- 4.4.1 The centre had significantly high running costs with limited income generated which led to a high level of subsidy from the council, as detailed in the table at 3.34 above. For the last full year of operation the subsidy was nearly £300k.

4.5 Legal implications, Access to Information and Call In

- 4.5.1 There are no Legal or Access to Information implications.
- 4.5.2 As a report to a Scrutiny Board the report is not eligible for Call In.

4.6 Risk Management

- 4.6.1 There are no Risk Management implications from the contents of this report.

5.0 Conclusions

- 5.1 The future of the West Park Centre had been under review since it was known that Northern Ballet would relocate and the former Education Leeds indicated its strategic intent to vacate the building. Children's Services did not have sufficient funding to sustain the centre. There had been a lack of maintenance investment in the building. Members of Scrutiny Board should note that none of the earlier inspections prior to October 2012 had indicated that the building was dangerous at the time of such inspections.
- 5.2 An inspection of the building carried out during October 2012, reported that the electrical installation could be described as dangerous and posed a major health and safety risk. Once this was reported to senior management, there was no option but to temporarily close the building until further testing could be carried out to confirm the condition of the centre. The building subsequently failed an electrical installation test. The building could not be re-opened until the full extent of backlog maintenance issues was known and the electrical issues addressed.
- 5.3 The responsibility for the building management rested with the Education Service although the building was not part of the core education provision or funding. The issues faced as set out in this report reinforce the need for Council property to be managed on a consistent basis by officers that have the relevant experience to carry out their responsibilities and legal obligations. When the West Park Centre was passed to CPM in August 2012 significant investment to bring the building up to a satisfactory condition for the various activities that the centre hosted or its closure became the only options for consideration.

6.0 Recommendation

6.1 Scrutiny Board (Sustainable Economy and Culture) is asked to note the contents of this report.

7.0 Background Documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.