

CABINET

19 May 2004

USE OF BAPSY BEQUEST

REPORT OF DIRECTOR OF COMMUNITY SERVICES AND CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The report seeks approval in principle for the use of the Bapsy Bequest to undertake works to the Guildhall in Winchester as set out in one of the options contained in the feasibility study produced by for the Council by Daniel Forshaw Design and Conservation Architects. Various approvals will need to be sought before work on the detailed design can commence.

RECOMMENDATIONS:

It is recommended that, subject to consideration by Principal Scrutiny Committee:

1. Cabinet approves in principle Option 1A of the feasibility study produced by Daniel Forshaw Design and Conservation Architects as the basis for the scheme put forward by the Council for use of the Bapsy Bequest;
2. the cost and technical implications of making better use of the space occupied by the existing conference chamber be further investigated and included in the scheme if feasible;
3. the City Secretary and Solicitor be authorised to seek approval from the Charity Commission for the use of the Bequest in this manner;

4. the Director of Community Services, in consultation with the Portfolio Holder for Community Services, be authorised to incur expenditure up to a maximum of £10,000 from the from within the Community Services Department budget to commission such further design and cost information as may be necessary to submit to the Charity Commission.

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##### DETAIL:

##### 1 Introduction

- 1.1 For some years the Council has been considering how to make best use of the bequest left to the City by Bapsy, Marchioness of Winchester. The value of the bequest now stands at approximately £1.1 million. Wide ranging public consultation has taken place and consideration given to the options available given the restrictive terms of the bequest. In parallel with this process the Council has also been considering how to make the Guildhall more accessible and welcoming to users, particularly disabled users who are poorly provided for at present. Members will be aware that the current arrangements for disabled access are clumsy and uninviting and the Council has additional legal obligations under the Disability Discrimination Act (DDA) which come into force in October 2004. The Council has to address this problem and would have to incur significant capital expenditure to do so.
- 1.2 In 2003 the Council considered a feasibility study prepared by Chaplin Farrant Wiltshire for an extension to the east side of the Guildhall which would provide new public facilities including a gallery space. The feasibility study showed that this was technically possible, but that the cost of an extension of suitable quality was likely to absorb all of the bequest and quite possibly additional funds besides. The addition of such an extension would also require substantial works to rearrange the internal layout of the Guildhall, which would have a cost attached and might affect existing uses. The Council could not consider its view on the merits of the extension without also considering what these would cost and what their impact would be.
- 1.3 A second feasibility study was therefore commissioned in Autumn 2003 from Daniel Forshaw Design and Conservation Architects (DFA), a local firm specialising in work on listed buildings. The brief for this study had two elements, the first to address the issue of access to any extension and the second to consider access and distribution around the building so as to improve the entrance to the building and comply with the requirements of the DDA. It should be noted that DFA also suggested his own design solution to accommodate a new gallery inside the Guildhall. Although his approach was very imaginative it is not suggested that it be pursued because of the possibility of a more satisfactory scheme being possible in the proposed cultural centre.
- 1.4 This second study was considered in detail by an informal working group established by the Community Arts and Social Performance Improvement Committee (CASPIC) on 23 February 2004, which a number of other Members also attended. The informal group considered the issues raised by both feasibility studies and the how they related to the terms of the bequest and the availability of other funding. They noted that option 1A of the study prepared by DFA produced a much improved design for all users and in particular for disabled people. It would also make the building easier to manage and make better use of space than at present. Although the works needed would be substantial, once completed they need not have major knock on

implications for existing uses of the Guildhall. The cost of these works was estimated in the feasibility study at £1.04 million (at current prices).

- 1.5 Although the extension to the east of the building would be feasible, it could not be made to integrate successfully with the rest of the Guildhall unless a number of other works are carried. It would therefore only be possible to proceed with the extension if the Council is prepared to incur substantial additional expenditure over and above the value of the bequest. An extension would also give rise to additional revenue costs which the Council would be advised to avoid if possible given the need to control the revenue budget.
- 1.6 The informal working group concluded that the Bapsy Bequest would be best spent on works to the Guildhall itself rather than elsewhere. It also commended the improvements suggested in option 1A in the DFA study as a basis for progress. It recommended that a report be submitted direct to Cabinet to indicate these were the views of the CASPIC, and this was confirmed at CASPIC's subsequent meeting.
- 1.7 The working group also discussed an item not considered in detail (or costed) in the DFA study which would be to review the future of the existing Conference Chamber. This has relatively low levels of use (20% – 25% of the available hours) and is not generally enjoyed by Members as a location for Council meetings. It might be possible to split the Conference Chamber horizontally, creating two meeting rooms, each of a good size, one of which could be fitted out as a high quality venue suitable for meetings of full Council and other public organisations requiring similar facilities. The other room could have a more flexible function. If this were possible it would certainly increase the space provided for public meetings and events and would help to bring any scheme closer to fulfilling the specific requirements of the bequest. Additional funding over and above the value of the bequest would be required but this could be considered in the context of the review of accommodation requirements for the Council in the future currently being undertaken.

## 2 Relation to Cultural Centre Proposal

- 2.1 The extension to the Guildhall was originally considered because it represented an opportunity to provide additional facilities for Winchester which did not appear to be feasible elsewhere – in particular a gallery space which might house the Civic collection and the Dannatt Bequest.
- 2.2 However, over the last few months the proposals developed jointly with the County Council for the cultural centre on the Jewry Street site have demonstrated that there is an alternative option which represents, it is suggested, a better opportunity both in terms of scope, accessibility and the linkage with other services. Elsewhere on this agenda is a report which asks Cabinet to consider its position on the cultural centre and that decision will both impact upon, and be influenced by, the Council's decision about the use of the Bapsy Bequest. In particular, the new cultural centre would provide a gallery space with better access and in a better location than that within the proposed extension. It would certainly not be desirable to do both schemes and this was the view taken by the CASPIC informal group.

## 3 Options for the use of the Bapsy Bequest

- 3.1 The Council has now been presented with two feasibility studies which help to clarify the options from which the Council must now choose in order that the position on the Bapsy Bequest is finally determined. These are:

### **Option 1 – Build the proposed extension without any other significant access improvements**

This might cost slightly more than the total of the Bequest. It would have a negative impact on the rest of the Guildhall and would not be easily managed. There would be an increase in revenue expenditure. The Council would not meet its obligations under the Disability Discrimination Act through this scheme alone and would have to incur additional expenditure on the building in order to do so.

### **Option 2 - Build the extension and carry out all the improvements to access, user facilities and, possibly, the Conference Chamber**

This would produce a good result for the Guildhall but would be expensive. Figures from the feasibility studies suggest that the Council could expect to have to provide an additional £900,000 to £1million to deliver this outcome.

### **Option 3 – Carry out the improvements to access, user facilities as described in Option 1A of the DFA study and incorporate changes to the conference chamber if possible**

This would also provide a good result for the Guildhall and its users. It would increase accessibility and the value of the building to the community. The DFA feasibility study places the cost of these works, excluding the conference chamber, at around the value of the Bequest.

### **Option 4 - Decline the use of the Bequest completely**

Members have previously indicated that they would hope to avoid this position and there appears to be no reason why it should be necessary.

### **Option 5 – Reject all current options and start again**

This is, of course, possible but is not recommended. However further delays in proposing any viable use for Bequest which should be avoided if possible. The Council also has to resolve the issues relating to the Disability Discrimination Act as soon as possible which would require capital expenditure.

## **4 Discussion**

- 4.1 Any consideration of the use of the bequest has to be seen in the context of the decision the Council takes on the cultural centre. In terms of local services it is suggested that the cultural centre represents a better option for the provision of specialist services such as new gallery space than does the extension of the Guildhall. If the Council wishes to obtain these additional facilities for Winchester then it is better done in partnership with the County Council than as a stand alone venture. The Bapsy Bequest could be used to fund a contribution to the cultural centre if the Charity Commission gives consent. However, it would be contrary to the terms of the bequest in a number of important respects and therefore any discussions with the Charity Commission would take time and have no guarantee of success. In the meantime the cultural centre project would be stalled or lost. Since there is significant work which must be carried out on the Guildhall it is suggested that it would be best to consider the Bapsy Bequest only in relation to the Guildhall as recommended by CASPIC.
- 4.2 If the Council does take this position, then it is suggested that the best option for the use of the Bapsy Bequest is Option 3. This would be implement the scheme of

improvements proposed by the feasibility study prepared by DFA. The informal meeting held on 23 February 2004 supported this view and this was endorsed at the subsequent meeting of the Community Arts and Social Performance Improvement Committee which passed the recommendation of the informal group straight to Cabinet so as to allow faster progress.

- 4.3 Option 3 would provide for a major scheme of improvement to those elements of the Guildhall operation which are most unsatisfactory at present. It would transform public access and improve the operation. Accessibility to the disabled would be improved very significantly with lifts covering all areas. The building would be easier to manage and more attractive to hirers of all descriptions. It would also complement the Broadway/Friarsgate proposals which will highlight the importance of the Broadway and encourage greater pedestrian traffic in the area. If the works to the conference chamber were also undertaken this could provide additional public events space and better facilities for civic functions although these might require additional funding over and above the value of the Bequest.
- 4.4 The City Secretary and Solicitor advises that the use of the Bapsy Bequest is for the provision of facilities in the nature of a civic community centre in or adjacent to the Guildhall site. The facility has to be capable of being identified as an entity which would be called the Bapsy Marchioness of Winchester Memorial Hall. At the time the bequest was made the Guildhall was mainly a town hall housing administrative activities with rather more limited community functions. Alterations made in the 1980's considerably changed the nature of the building, making most of it available for public use. The Council has examined schemes for creating an entity in the spirit of the Bapsy Bequest but a satisfactory scheme which is capable of being funded has not yet proved feasible. A way forward would be to consider that, since the changes made in the 1980's, much of the Guildhall is available for uses that were envisaged by the bequest in any event. However, that work was undertaken some 20 years ago and much now needs to be done to further improve public access to the facilities and to improve them generally. The proposal being recommended to Cabinet is related to the terms of the bequest but does not comply with the detailed requirements – particularly relating to the creation of an identifiable entity within or adjacent to the building. It is therefore suggested that an approach be made to the Charity Commission seeking approval to vary the terms of the bequest. Although there is no guarantee of success the request would be a reasonable one for the Council to make having regard to all the circumstances. The scheme does now have a clear enough definition for the Charity Commission to be approached but further work on presentation and costing may be required, particularly in relation to the conference chamber. Delegated authority is therefore requested so that the Director of Community Services can commission this as required to progress the project.
- 4.5 If the Charity Commission does give consent, further reports will be brought forward to Cabinet to seek approval for detailed matters before the preparation of a detailed scheme which will require planning and listed building consent.

## 5 Conclusion

- 5.1 The terms of the Bapsy Bequest require it to be spent in a very narrow way. The Council has obligations in respect of access to the Guildhall and aspirations for its use by local people. Option 1A of the scheme prepared by DFA represents an exciting and practical way to address these issues and it is suggested that the Council should seek approval for the use of the Bapsy bequest to pursue this project.

OTHER CONSIDERATIONS:6 CORPORATE STRATEGY (RELEVANCE TO):

- 6.1 Improvements to the Guildhall are consistent with its own business objectives, the Council's Corporate Strategy objective to promote access to leisure and cultural facilities and the Winchester Cultural Strategy which promotes better use of existing properties. Better access to all areas of the Guildhall also supports the Council's priority to provide better access to its services and is in line with its stated aim to treat all clients fairly and equally and to encourage public participation in Council meetings, many of which take place in rooms which have less than ideal access for those with disabilities.

7 RESOURCE IMPLICATIONS:

- 7.1 The Bapsy Bequest is held in a restricted reserve which now totals £1.1 million. Expenditure of the Bequest has no impact on the Council's other finances and there are no opportunity costs since the bequest cannot be used to pursue other Council objectives. The total cost of a scheme including works on the Conference Chamber may require additional capital funding but no decision on that issue is requested at this point.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 Feasibility Study conducted by Chaplin Farrant Wiltshire July 2002

Feasibility Study conducted by Daniel Forshaw Design and Conservation Architects December 2003

(These appendices are too large to attach to this report but are available for inspection in the Member's Library or by arrangement with the Director of Community Services) The plans will also be displayed at the meeting.

Appendix 2 Informal Member Officer Working Group – Minutes 23 February 2004