

## **BARNSELY METROPOLITAN BOROUGH COUNCIL**

**This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan**

### **REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET, 1 December 2021**

#### **Public report with private appendices**

Exempt Information, Local Government Act 1972, Schedule 12A Part 1 Paragraph 3

#### **COMMUNITY ASSET TRANSFER – GRANT OF A 50 YEAR LEASE OF THE COMPUTER CENTRE AT WESTGATE TO BARNSELY YOUTH CHOIR CIO**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek Council approval in principle for the grant of a 50 year lease of the Computer Centre at St Mary's Gate, to Barnsley Youth Choir CIO, a registered Charitable Incorporated Organisation (CIO).

#### **2. RECOMMENDATIONS**

- 2.1 That Cabinet approve 'in principle' the community asset transfer of the Computer Centre building to Barnsley Youth Choir.
- 2.2 That the Service Director Regeneration and Culture, working with the Head of Property be delegated authority to finalise Heads of Terms for a 50-year lease to Barnsley Youth Choir CIO.
- 2.3 That the Service Director of Legal Services be delegated authority to complete the lease to Barnsley Youth Choir CIO, subject to the necessary fundraising planning consents being achieved
- 2.4 Subject to 2.1 being agreed, that the Council agrees 'in principle' to provide up to £0.500m in grant funding to support the programme of capital works required to realize the planned development/refurbishment of the building by Barnsley Youth Choir – any release of grant to be conditional on the Council's Section 151 Office being satisfied with progress made by BYC in respect i) fundraising to support the totality of the proposed capital programme and ii) the ongoing viability/sustainability of their proposals.
- 2.5 That BMBC nominate the Service Director Regeneration and Culture to be the key point of liaison for the Choir throughout this project and hold regular review meetings throughout.
- 2.6 That, in the event of the Nave being completed, a nominated representative of BMBC would have observer status on BYC's Steering Group and / or Board of Trustees, and convene regular review meetings of how the Asset Transfer is enabling the Choir to achieve its objectives for Barnsley.

### **3. INTRODUCTION**

- 3.1 BYC is a remarkable organisation that was established in 2009 by Mat Wright and Keith Norton. It is a registered charity run by volunteers that seeks to provide outstanding opportunities for young people who live in Barnsley and has developed a reputation for excellence. The choir is ranked 5th in the World Rankings in its category and has won 8 first prizes in some of the biggest international competitions in the world.
- 3.2 The Barnsley Youth Choir (BYC) now encompasses a family of six choirs: The Junior Choir, Children's Choir Central, Children's Choir East (The Dearne), Children's Choir West (Penistone) the Intermediate Choir and The Senior Choir, ranging in ages from 4 to 24 years.
- 3.3 All members, apart from the Junior Choir, have to attend an audition before being accepted, and many of them are now being re-auditioned in order to move up into the next choir, demonstrating one of the principal aims of BYC which is to give young people clear choral progression routes.
- 3.4 These rehearsals are led by top quality choral trainers, conductors and workshops leaders. Each term, all six choirs take part in a number of concerts and prestigious events.
- 3.5 BYC is first and foremost a community choir serving an area of deprivation where 1 in 4 children live in poverty. The choir is highly inclusive and our 6 sections consists of over 400 singers. The choir contains BYC Junior Choir (4-7 years), BYC Children's Central (7-12 years), BYC Children's Choir East (7-12 years), BYC Children's Choir West (7-12 years), BYC Intermediate Choir (10-16 years) and BYC Senior Choir (14-24 years). The choir has released 2 albums, performed on TV and Radio and has raised significant amounts of money for local charities including £10,000 for Barnsley Hospice after releasing a charity single.  
  
The choir also has a newly formed Alumni section and close links with sister organisations Little Singers (0-4 years) founded by Eleanor Wright and Barnsley Singers (24 years+) founded by Mat Wright and Luke Mather. BYC is not publicly funded and relies on the support of the local and wider community to operate and maintain viability.
- 3.5 BYC has grown in size exponentially over the past five years. An increase in numbers of choirs, choir members, volunteers, income & expenditure and regular activities alongside national & international creative exchanges all resulted in the decision to move forward with the long held ambition to secure a permanent physical home.
- 3.6 This shift in organisational capacity allows BYC to streamline many of its operational workflows, providing appropriate physical and digital resources for its staff and volunteer team, alongside an aspirational focus point for its members and stakeholders.

## 4. PROPOSAL AND JUSTIFICATION

- 4.1 The proposal from Barnsley Youth Choir is to repurpose the Computer Centre building into the Northern Academy for Vocal Excellence (NAVE) which will also be the new home for Barnsley Youth Choir. The Computer Centre building was previously the Courthouse for the town and is located here: [https://www.waymarking.com/waymarks/WMDD19\\_1879\\_Old\\_Court\\_Building\\_St\\_Marys\\_Gate\\_Barnsley](https://www.waymarking.com/waymarks/WMDD19_1879_Old_Court_Building_St_Marys_Gate_Barnsley)

It was built in 1879 as a new court in Barnsley, located in St. Marys Place on the corner of Westgate, with new cells behind the Superintendants house. The Court was used until a new court was built in 1970 on Church Fields

At the time of construction of the old court Barnsley came under the Yorkshire West Riding district. This accounts for the initials WYR on the date stone.

The building is not listed and not in a conservation area but has some striking heritage features including the initial WYR on the date stone and some unusual architecture.

Used as the BMBC Computer Centre, it has lain vacant for the last ten years and is at risk of dereliction. This initiative would repurpose the building and bring it back into community use

- 4.2 The Nave is a central hub for the community, and the BYC capital refurbishment will transform the space into a beautiful and inspiring place where people congregate to learn, gain wisdom and sing together.
- 4.3 The NAVE will be a purpose-built centre of vocal excellence situated in central Barnsley, a town with a rich and proud heritage that is well positioned geographically. It will be the home of Barnsley Youth Choir but will also engage with other organisations to provide a hub for singing regionally. Its position in the community and in the North of England is key, and it will provide exceptional training opportunities both locally and nationally.
- 4.4 The NAVE will contribute to Barnsley's regeneration and cultural offer and be a source of pride for residents. It will provide people of all backgrounds access to the best possible vocal development on their own doorstep, and be a centre that is recognised nationally and internationally for the quality of its work. It will seek to engage with outstanding international partners who will act as a catalyst for this developmental work, and in doing so raise the profile of music and arts in the region, and Barnsley as a town. It will be a building where we will welcome outstanding international choirs and their leaders, and inspirational world class vocal trainers to the town to work with young people and vocal leaders.
- 4.5 The NAVE will be a building that will educate and train young musicians to the highest level in an environment that is both stimulating and rich in opportunity, for the benefit of individuals and society at large.

- 4.6 Barnsley Youth Choir has now reached a ceiling to the quality of provision that it can offer young people across the borough. Whilst the Choir is currently indebted to the support provided by a number of rehearsal venues in the town there are inherent barriers to using spaces that are not designed for this work and the choir has outgrown these spaces.
- 4.7 The granting of a 50 year lease will enable BYC to secure funding required to bring the building into a condition fit for their purposes. It will bring back into use an iconic building within the Town Centre encouraging further investment in Barnsley and visitors to the Town Centre.
- 4.8 The successful CAT of the building would also result in savings from operating costs of c. £40,000 per year and support the Town Centre Accommodation Strategy for BMBC buildings, the rationalization of our town centre estate and associated KLOEs.

## **RATIONALE & PURPOSE**

- 4.6 The choir needs a purpose-built space to realise its ambitious plans to develop Barnsley as a singing town and build on the reputation it has already gained internationally in this field. Ideally this would be an imposing and iconic building that would be at the heart of the town and provide a real statement of intent. We have ambitious plans for developing an outstanding venue – something that is of the highest quality that will provide a lasting legacy for the town and its people.
- 4.7 For clarity there is no aspiration to develop and operate as a large performance venue. The NAVE would be a development centre with large flexible spaces which could accommodate occasional small informal audiences, but not large performances. Barnsley is blessed to have a number of high quality medium sized performance venues at Emmanuel Church, Horizon CC, The Civic and St. Mary's Church that BYC is still keen to use for public performances.
- 4.8 This rehearsal and development venue will have a dramatic impact on the quality of provision the Choir are able to offer. It will provide opportunities to expand, grow and work in a much more dynamic way, fostering meaningful and pertinent relationships with outstanding practitioners.
- 4.9 Purpose-built spaces with full access to high quality equipment will enable the organisation to work in a much more professional way, which will significantly impact on outcomes.
- 4.10 During the last 4 years the choir and its leaders have carefully considered the opportunities and risks of owning and running a venue. This is something that the organisation does not view lightly but is now convinced that it has the capacity, vision and drive to make this a success. Early pre-design engagement with choir members, volunteers and other key stakeholders has already taken place but there is scope for further consultation now a potential site has been identified. Ongoing community engagement will be used to involve people to help shape the project.

## **FUNCTIONS**

- 4.11 The primary function of the NAVE will be to provide exceptional development opportunities to young people in our town and beyond through the training of young people and leaders who work with young people.
- 4.12 Its secondary function will be to provide training to all ages of the community in music.
- 4.13 Its third function will be to provide a space for community groups and to generate income through hire of the facility to ensure that the building is viable and sustainable.
- 4.14 The full vision document for The Nave is attached as Appendix 3. The document also illustrates the likely spatial organisation of the old Computer Centre building to transform it into the Nave.

## **CAPITAL PROGRAMME**

- 4.15 Regeneration and Culture have been supporting Barnsley Youth Choir through input from Barnsley Property Services who have been conducting a range of condition surveys on the building. The Building has been cleared of the goods being stored there. Support is also being given for business planning and to bring the project to RIBA Stage 3. The building is not listed or in a conservation area.
- 4.16 Regeneration and Culture have also supported the Choir to undertake a series of workshops with their President and Steering Group to understand the responsibilities of taking on a building of this size, the opportunity it affords the organisation, the key risks attached and the mitigations they will take through their governance and project management structure to address key risks.
- 4.17 A briefing meeting has taken place with Cllr Houghton (Leader of the Council) and Sarah Norman (Chief Executive) who support the Community Asset Transfer. A further meeting is taking place with the SYMCA Mayor, Dan Jarvis, in November. All are hugely supportive of this initiative.
- 4.18 BPS have calculated the cost of the refurbishment will be £2.5 million based on a recent condition survey carried out by them.
- 4.19 BYC are applying to Arts Council England's National Lottery Capital programme for £500K contribution to this cost. They have also developed a robust and detailed fundraising plan for this capital programme, a summary of which is included in their Business plan
- 4.20 It is recommended that BMBC support this application through committing matched funding of £500K to strengthen the case for funding.

## COMMUNITY ASSET TRANSFER

- 4.21 The CAT proposal from BYC is attached at Appendix 1 It has been approved by the Property and Assets Governance Group managed by our Head of Property (10 Nov) and has also been shared with the Head of Stronger Communities and Head of Children's Services for their input and feedback.
- 4.22 This paper and the proposal has been discussed at Place DMT (15 Nov) and SMT (16 Nov), Cabinet spokespersons by email, informal Cabinet (17 Nov), Funding Pipeline Management Group (by email) and the Outline Business Case will be approved by Capital Oversight Board (10 Dec).
- 4.23 The title deeds have also been checked to ensure that there are no restrictions on title preventing this project from proceeding

A planning application and change of use will also be required.

## BYC BUSINESS PLAN

- 4.26 The BYC Business Plan (Appendix 2) addresses the challenges and opportunities that BYC currently faces in planning for 2022 – 25 and how the organisation will address them. The Plan then sets out the organisation's strategy over the next four years. This section sets out the organisation's strategic objectives which are:

**Objective 1** Expand BYC's delivery, developing new members, participants & audiences

**Objective 2** Develop The Nave to become a Centre of Excellence in the field of Vocal training and pedagogy for members, participants and the workforce

**Objective 3** Increase revenue through the diversification of income streams

**Objective 4** Develop existing & new Partnership & Collaborations to support the ambitions of BYC

**Objective 5** Increase diversity across the organisation

The Plan concludes with action plans for each of the strategic objectives. BYC will review and update the action plans regularly, and the Senior Management Team will report progress to the Board at each meeting. The Business Plan is owned by the Board and the Senior Management Team and is subject to annual review.

The accounts for 2019/20 show a deficit of around £19k for the year with £156k held by the choir at year end.

There is currently a reliance on volunteers and the Choir recognise they will reach a stage where they have to take on paid employees as this is a significant project. The business plan moving forward includes provision for paid staff.

The Business Plan also demonstrates that BYC have a clear understanding that there will be costs incurred in running a building of their own from an ongoing/maintenance point of view and compliance. The business plan shows that they have taken this into account and are aware and confident of being able to meet these costs and the staffing costs where they can no longer rely on volunteers. Reference is made to their proposed operating model in the business plan.

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The choir has considered a range of options for its location, including The Glass Works and a range of other buildings in out-of-town locations . None of these have been deemed suitable against their matrix of characteristics that they require for a future space.
- 5.2 A number of other options were considered for the Computer Centre, including disposal of the building, leaving it vacant or using it for storage. Disposal had been attempted previously and there was some interest from developer contacts in 2017 with the suggestion it could make a good venue for a pizza chain conversion in a good catchment for the offices / university and theatre. This interest developed no further and since then there has been no interest from external parties and no further buyers came forward. The condition of the building meant that significant investment was required by any private sector operator.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The Choir is already a huge asset for the borough, delivering participatory cultural activities for children, young people and adults across the borough, offering significant volunteering opportunities and positioning Barnsley on the global stage and building our reputation. The Nave project would build on the last ten years of the Choir's work and enable it to expand its activities, offering a broader and deeper service across the borough, while also enhancing the cultural and social life of our inclusive town centre.

The Service Director Regeneration and Culture is working closely with the Head of Stronger Communities to do an audit of the social value which will be delivered by the Choir through this community asset transfer for children, young people, families, and communities in Barnsley. An audit will also be undertaken of the wider value of this centre to the North of England and the brand value of Barnsley nationally and internationally.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 With respect to values the property has been valued for asset valuation purposes as at 31<sup>st</sup> March 2021 and it sits in the Councils accounts at a figure of £400,000. This is a figure used for financial accounting purposes and is not to be taken as the open market value, on the granting of a 50 year lease at a peppercorn rent (effectively a zero rent) the asset value in the Council's accounts would be reduced to a nominal amount in the Council financial

accounts as the potential to receive any capital receipt or income is deferred for the term of the lease under which a zero rent is proposed.

- 7.2 The Asset valuation is not the market value which may vary significantly to the asset valuation. The market value would be based on what a purchaser would pay for the property on the open market if it was sold. This would be based on the potential income the property would generate for the purchaser against which a relevant yield is applied taking into current market conditions and demand for properties of this nature. Any purchaser would also take into account the condition of the building which is not to a standard whereby it could be immediately occupied for office purposes for instance and the property generally requires significant investment. The investment in the business plan being identified as £2.5 million.
- 7.3 The property will have a rental value but this would be determined by the terms of the lease granted and in this instance would likely to include a substantial incentive to offset works required to bring it up to an acceptable condition as well as reflecting market conditions.
- 7.4 The £500K investment into the capital programme will lever in an additional £2 million for the capital programme. If the application to ACE National Lottery is successful, this will leave BYC with a further £1.5 million to be raised by way of match.
- 7.5 The portfolio of surveys and work done to RIBA stage 3 by Barnsley property Services team will, along with a full Business Plan, funding application pack, Options Analysis and other documentation, support this fundraising effort and will position the Choir well to secure the remaining funding.
- 7.6 Financial implications are laid out in Appendix A.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 There are no employee implications associated with this report

## **9. LEGAL IMPLICATIONS**

- 9.1 The main legal implication is that a lease will need to be prepared pending final agreement with Service Director Regen and Culture and Service Director Finance. The Property and Assets team will instruct Legal to prepare a draft lease, following the necessary approvals so that our legal team can complete the legal transaction in a timely manner.
- 9.2 The lease is to be for 50 years at a peppercorn rent. This will include a lease for the entire building, the central courtyard and the associated small carpark at the side of the building on St Mary's Gate. Further discussions will take place with other directorates about the possibility of leasing some of the unused cells at the back of Commerce House for staging storage. Regen and Culture are also exploring whether part of the garage at the back of Commerce House could be included in the lease for staging storage or whether this would

be delivered through a licence. The operating model for the complex (including Commerce House – a children and young people’s hub – and the central courtyard, garage (which currently houses the Leader’s and Mayors’ cars on a regular basis) requires further discussion to finalise what is included in the lease together with the rights to be granted or reserved. These discussions taking place with FM Services, Children’s Services, Members services and our Car Parks team.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

- 10.1 The Nave would be fully digitally enabled and would have a dynamic online presence. BYC have delivered workshops and rehearsals for all their choir members throughout the pandemic digitally and also hosted an International Choir Festival in August 2021. Their digital and online activities reached 235,800 people from across the world in 2019-20

## **11. COMMUNICATIONS IMPLICATIONS**

- 11.1 BYC and Regen and Culture will work closely with our Communications team to promote this project and the Council’s support for the refurbishment and the CAT

## **12. CONSULTATIONS**

- 12.1 Consultations have taken place with the President and Steering Group of BYC and with the current members of the Youth Choir on 13 November. This will result in a report and video content to capture the views of the young people. A full comprehensive survey will be distributed to all previous choir members, patrons and supporters to capture their views. The purpose of these consultations has been to ascertain that the building and the project is the right choice at this stage of the Choir’s development and to gather young people’s views about what they’d like to see in their new home. The findings from these will be shared as appropriate with Elected members
- 12.2 Consultation has taken place with the Cabinet Spokesperson for PLACE, the Leader and CEO.
- 12.3 Further consultation has been held with Central ward members due to the location of the Nave in Central ward.

## **13. EQUALITY IMPACT**

- 13.1 Full Equality Impact Assessment completed
- 13.2 Key findings are as follows:
- BYC has a key objective to increase diversity across the organisation. Their commitment to diversity is central to their delivery plans, so that BYC remain relevant, inclusive and representative of the communities it serves.

- BYC will be proactive in its recruitment of management, workforce, volunteers, members and participants from a diverse range of backgrounds and cultures, creating a new Diversity Action Plan to set targets and actions to achieve their goals.
- They will seek to diversify their management, workforce, volunteers, members and participants and work closely with national & international partners to provide the highest quality opportunities for a broad range of cultural experiences & training opportunities for our participants.
- To ensure their management, workforce, volunteers, members and participants are representative of the communities they serve, whilst also striving to provide opportunities for communities to engage with a diverse range of internationally renowned artists and experts from a wide range of cultures and backgrounds.
- BYC management will monitor progress as set out in their diversity action plan, collecting data and seeking the support of partners and critical friends to ensure our success.

#### **14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

- 14.1 This project aligns to the Healthy Barnsley, Learning Barnsley and Growing Barnsley themes and outcomes in the Corporate plan:

We have reduced inequalities in health and income across the borough (HB) – this programme addressed cultural inequality and has a positive impact on health and wellbeing of all participants.

People have the opportunities for lifelong learning and developing new skills including access to apprenticeships. Children and young people achieve the best outcomes through improved educational achievement and attainment (LB) – Evidence shows that members of the Choir have higher aspirations, wider horizons and develop transferable skills which make them more likely to be in employment and employer-ready.

People have a welcoming, safe and enjoyable town centre and principal towns as destinations for work, shopping, leisure and culture (GB) – The NAVE will add another cultural space to the town centre, making it more inclusive and welcoming of children and young people and their parents. This cultural amenity will add to the vibrancy of the town centre and our civic and cultural district in and around the Town Hall.

#### **15. TACKLING THE IMPACT OF POVERTY**

- 15.1 BYC offers a range of scholarships for children and young people in the choir to offset financial hardship in families.

15.2 The BYC provision is free to all children invited to join the choir.

## **16. TACKLING HEALTH INEQUALITIES**

16.1 A full health impacts assessment will be done on the project, but there is a significant body of evidence to prove that engagement in high-quality cultural activities, particularly singing and music-making activities has increased positive benefits for participants and audiences.

## **17. REDUCTION OF CRIME AND DISORDER**

17.1 The Choir promotes a positive image of Barnsley's young people. The location of the Nave also prevents the vacant computer centre building from being blighted by ASB or vandalism

## **18. RISK MANAGEMENT ISSUES**

18.1 The choir have drafted a full risk register which included in the Business plan 2022 - 25 under Appendix 2.

## **19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

19.1 The Choir are fully aware of their responsibilities around compliance and health and safety in operating the building and will work closely with BMBC to ensure all Health and safety responsibilities are met

## **20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

20.1 N/A

## **21. CONSERVATION OF BIODIVERSITY**

21.1 The Choir will look to maximise the biodiversity of the gardens in the immediate frontage of the Nave.

## **22. GLOSSARY**

N/A

## **23. LIST OF APPENDICES (Exempt)**

Appendix A: Financial Implications

Appendix 1: Completed Community Asset Transfer Application form with required documents:

- Current Business Plan
- Income & Expenditure forecast
- A narrative analysis document for the I&E forecast
- Written constitution
- Annual accounts

- Equality & Diversity policy
- Child protection policy

Appendix 2: The NAVE Vision and description document

Appendix 3: The Insider - newsletter detailing the activities delivered by the Choir during lockdown

## **24. BACKGROUND PAPERS**

There are no background papers for this report.

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

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