

WILTSHIRE COUNCIL

CABINET CAPITAL ASSETS COMMITTEE

19 April 2011

Subject: 24, 26 and 28 Endless Street Salisbury - Business Case for Use by Wiltshire Coroner

Cabinet member: John Noeken – Resources

Key Decision: No

Executive Summary

Wiltshire Council currently exercises its statutory power to “provide and maintain proper accommodation for the holding of inquests in their area” (Section 31 Coroners Act 1988) in providing the Coroner with a small court room in Castle Street, Salisbury with accompanying office accommodation, and the use of the Trowbridge Town Hall for jury inquests.

Having taken over the contracts of employment of the coroner’s staff from the coroner, Wiltshire Council has a duty of care towards them as its employees. The Salisbury premises have been assessed and are not suitable for the needs of the service and do not meet health and safety standards. The council is seeking to dispose of Trowbridge Town Hall as part of the capital asset programme.

This proposal is for premises that would replace the current provision of the small court and office accommodation (currently in the centre of Salisbury) and the large court (currently in Trowbridge) with a single facility, to be located in 26 and 28 Endless Street, Salisbury.

This proposal has been drawn up in consultation with the senior Coroner for Wiltshire, and takes his views into account.

Proposal(s)

- (i) To remove 26 and 28 Endless Street, Salisbury, from the schedule of capital assets to be disposed of by the council.
- (ii) To separate 24 Endless Street from number 26 and dispose of 24 Endless Street on the open market for residential development.
- (iii) To convert 26 and 28 Endless Street, Salisbury to provide accommodation for the Wiltshire Coroner’s service, to include 2 court rooms and office accommodation.
- (iv) To dispose of Trowbridge Town Hall as part of the capital asset disposal

programme.

Reason for Proposal(s)

The proposals are the result of an assessment of options available to Wiltshire Council in exercising its statutory powers in respect of the County Coroner's accommodation. This is set out in detail in the report and at Appendix I.

Ian Gibbons

Service Director, Legal and Democratic Services

WILTSHIRE COUNCIL

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Subject: 24, 26 and 28 Endless Street Salisbury - Business Case for Use by Wiltshire Coroner

Cabinet member: John Noeken – Resources

Key Decision: No

1. Purpose of Report

- 1.1 Local authorities have a statutory power to “provide and maintain proper accommodation for the holding of inquests in their area” (Section 31 Coroners Act 1988).
- 1.2 Wiltshire Council currently exercises that power by providing the Coroner with a small court room in Castle Street, Salisbury with accompanying office accommodation, and the use of the Trowbridge Town Hall for jury inquests.
- 1.3 If Wiltshire Council decides not to exercise the power to provide the accommodation directly, it has a duty to provide the Coroner with sufficient funding to procure and maintain suitable accommodation. In order better to manage the costs associated with the service and to achieve the best economies of scale available, it is preferable to exercise the power to provide and maintain proper accommodation directly.
- 1.4 The former Wiltshire Coroner secured his own accommodation by way of renting premises in Castle Street, Salisbury, from which the service provided a small court room and office accommodation for the support staff, who became directly employed by Wiltshire Council in 2009. These premises are supplemented by exclusive use of Trowbridge Town Hall for the conduct of jury inquests, those attracting a significant degree of public interest, and military inquests.
- 1.5 The coroner is the tenant of the Salisbury accommodation – Wiltshire Council paid the rent. The lease will expire in June 2011 although we have now obtained in principle agreement to its extension.
- 1.6 Wiltshire Council, having taken over the contracts of employment of the coroner’s staff from the coroner, has a duty of care towards them as its employees. The Salisbury premises have been assessed and are not suitable for the needs of the service and do not meet health and safety

standards. The council is seeking to dispose of Trowbridge Town Hall as part of the capital asset programme.

- 1.7 We therefore need to provide suitable accommodation to replace both the Salisbury premises and Trowbridge Town Hall.
- 1.8 This proposal is for premises that would replace the current provision of the small court and office accommodation (currently in the centre of Salisbury) and the large court (currently in Trowbridge) with a single facility, to be located in 26 and 28 Endless Street, Salisbury.
- 1.9 This proposal has been drawn up in consultation with the senior Coroner for Wiltshire, and takes his views into account.

2. Background

Current Premises

- 2.1 Wiltshire Council currently exercises their power to maintain and provide proper accommodation by leasing a small court room in Castle Street, Salisbury with accompanying office accommodation, and providing the use of the Trowbridge Town Hall for jury inquests.
- 2.2 The Castle Street premises are rented from the private sector under a sub-lease from Lloyds Bank. The premises are not DDA compliant and do not meet health and safety standards. It would be difficult and expensive to bring them up to an acceptable DDA and H&S specification, not least because the building is Grade II listed. They are too small for our requirements and cannot be extended. For these reasons, it is not practical to seek an extension of the lease on anything other than a very short-term basis.
- 2.3 Trowbridge Town Hall is owned by Wiltshire Council. It is used only for the conduct of inquests requiring a jury, or those in which there is significant public interest resulting in a large press and public presence. It is not used for any other purpose. The building is in a poor state of repair, and is expensive to heat and maintain. The council is seeking to dispose of the Town Hall as part of the capital asset programme. Retaining it simply for the use of the coroner for the conduct of inquests is not cost-effective in anything other than the extremely short term.

Staff

- 2.4 There are currently 4 full time members of staff based Castle Street: HM Coroner and 3 administrative officers. The administrative officers are employees of Wiltshire Council, but are specialist staff with many years of experience in handling coronial work.
- 2.5 There are 5 deputy and assistant deputy coroners, who are solicitors in private practice who work part time as deputy Coroners. The majority of them are based in firms in Salisbury. They use the Castle Street

premises on an ad hoc basis to prepare for and hold inquests, as well as travelling to Trowbridge Town Hall to conduct inquests there.

- 2.6 There are 4 coronial officers who are currently employed by the police, but who work closely with the coroner and his administrative team. They frequently use the Castle Street office as a “touch down” area. They attend inquests in Salisbury, Swindon and Trowbridge.
- 2.7 The Coroners and Justice Act 2009 introduces the new statutory function of Medical Examiner. The ME would be an NHS employee, but would work directly with the Coroner. The ME would probably employ 2 full time administrative officers. It would be desirable to provide accommodation for the ME with the Coroner – the council could consider charging the NHS rent for this provision. The use of shared accommodation would have operational advantages, and may also benefit the service financially by reducing the number of post mortems that need to be conducted.

Current accommodation costs

- 2.8 The running costs of the Salisbury premises are approximately £18,000 per annum, including overheads.
- 2.9 The annual cost for the use of Trowbridge Town Hall is circa £25,000.
- 2.10 The total annual cost of both premises is therefore £43,000.

3. Main Considerations for the Committee

- 3.1 This proposal is for premises that would replace the current provision of the small court and office accommodation (currently in the centre of Salisbury) and the large court (currently in Trowbridge) with a single facility, to be located in 26 and 28 Endless Street, Salisbury.
- 3.2 24, 26 and 28 Endless Street, Salisbury are owned by Wiltshire Council. It has been estimated that if sold they would realise an estimated £670,000. They have been scheduled for disposal as part of the capital asset programme.
- 3.3 The premises were extended and adapted, primarily over the course of the early-to mid 20th century, to provide a council chamber and office accommodation. The internal floor plan of number 24 and 28 is very difficult to disentangle. Property services have advised that in today’s difficult property market the floor plan and internal structure of these two buildings, coupled with their Grade II listed status, would render them difficult to dispose of.
- 3.4 However, the features of these two buildings that are likely to be unattractive as a commercial proposition are features that make them particularly suited, with relatively minor adjustments, to the function of a court and ancillary office accommodation.

3.5 The accommodation available in numbers 26 and 28 would be sufficient to meet the coroner's requirements. Number 24 is relatively discrete from the other two buildings, and could be separated with only minor structural alterations. Property services officers advise that number 24 is most likely to achieve a reasonable selling price if placed on the market with change of use to a residential property. It would be possible to make it more attractive by granting a right of way across the car park to the rear of the building, the allocation of (say) two dedicated parking bays, and the provision of a small area of land to the rear for a courtyard garden. These are likely to render number 24 an attractive and highly marketable proposition.

4. Planning Considerations

4.1 Any alterations to these premises will require Listed Buildings Consent. Early discussions with conservation officers indicate that the change of use to a court is likely to be appropriate in conservation terms. The alterations needed to meet DDA standards can be achieved without significant changes to the fabric of the buildings, and most of the proposed changes would result in an enhancement of the internal features that were the primary reasons for the buildings' original listed status.

4.2 Property services officers have advised that it may be difficult for developers to obtain consent for the kind of alterations that would be necessary in order to render numbers 26 and 28 a commercially attractive development proposition.

4.3 Numbers 26 and 28 are overlooked by the windows of residential flats on the adjacent street. Advice from planning officers is that there may be difficulties in obtaining planning consent for a residential re-development in the car park at the rear of the Endless Street site, thus reducing its attractiveness to potential purchasers as a development opportunity.

4.4 Property services officers advise that the separation of number 24 from numbers 26 and 28 could be achieved with relatively few changes to the internal structure and fabric of the buildings, so Listed Buildings Consent is not likely to be problematic.

5. Environmental and climate change considerations

5.1 There is a large temporary building serving as an extension to the rear of the Endless Street premises. It has been used as office accommodation. The extension is surplus to the Coroner's requirements. The insulation on the extension is sub-standard, so it is expensive to heat and is not energy efficient. The temporary building has been in place for considerably longer than the anticipated lifespan for a temporary structure and is in some disrepair.

5.2 This proposal includes the removal of the temporary building extension, which would not be replaced. This will reduce the carbon footprint of the

Endless Street premises. The remainder of the proposal is neutral in environmental terms.

6. Equalities Impact of the Proposal

None.

7. Risk Assessment

7.1 If we do not secure suitable accommodation to replace the current provision there is a risk that the council will fail in its statutory duty to ensure that proper accommodation is available for the Coroner to hold inquests in the area of his jurisdiction.

7.2 The risks of not providing suitable accommodation compliant with health and safety standards are that the council may be liable, as an employer, for foreseeable adverse consequences to the well-being of the staff employed in the coroner's service.

7.3 The loss to the capital asset programme of a proportion of the anticipated proceeds from the sale of the Endless Street premises may have an adverse effect on the council's ability to finance other services. However, this must be offset against the higher cost of needing to find a significant and currently unfunded revenue stream to provide accommodation in the private rented sector.

8. Financial Implications

8.1 The status quo is not an option in anything other than the very short term, because of the expiry of the head lease and the unsuitability of the premises currently being used. However, for information purposes, the current annual cost of the Castle Street and Town Hall premises is around £44,000.

8.2 Wiltshire Council has a statutory power to provide accommodation for the Coroner, or (should it choose not to exercise that power) a statutory duty to provide the Coroner with funds to acquire his own accommodation.

8.3 Given that the status quo is not an option, the choices are:

- a. To accommodate the courts and office premises within one of the 4 hubs;
- b. to rent alternative premises on the open market;
- c. to provide accommodation from within the Council's existing portfolio currently designated for disposal;

These are explained and assessed under 'Options Considered'.

9. Legal Implications

9.1 As set out in the Executive Summary and the body of the report.

10. Options Considered

Option A - The Hubs:

- 10.1 As part of earlier consideration of the location of the coronial service which took place with the outgoing coroner and with the present coroner very early in his tenure, officers looked at the possibility of providing alternative accommodation at Browfort or in County Hall. Neither of these options is viable.
- 10.2 The coroner requires frequent access to a suitable venue to use as a court room (in practice, council chambers) and additional rooms close by for relatives and their legal representatives. The pressure on meeting rooms and council chambers for the conduct of Wiltshire Council business means that the provision of court facilities as often as 3-4 times a week renders this unfeasible.
- 10.3 In addition, in the course of these early considerations all of the coronial support staff have indicated that they would not be willing to relocate from Salisbury. That being the case, we would have to recruit and train an entirely new team, which would essentially render the service unable to function for at least 6 months, and functioning at well below optimum levels for at least 18 months thereafter.
- 10.4 The relocation of Wiltshire Council staff to the hubs means that these premises are already working to capacity and it would be extremely difficult to identify self-contained office accommodation for the Coroner and his team within the hub offices. Furthermore, the Coroner, whose views we are required to take into account, has expressed the view that it is unsatisfactory for the service to be co-located with council services since it is important for him to be clearly independent of the council in the provision of his functions.
- 10.5 For these reasons this option is not viable.

Option B - Renting on the open market

- 10.6 Based on a current open market rental price of £130 per m² per annum (comparing like for like – i.e., refurbished premises with parking in Salisbury), the annual cost of renting suitable premises from the private sector would be in the region £78,000.
- 10.7 Over the medium to long term this option is significantly more expensive than Option C (see attached spreadsheet at **Appendix I**).

Option C – Providing accommodation from the capital asset portfolio

- 10.8 24, 26 and 28 Endless Street, Salisbury are owned by Wiltshire Council. It has been estimated that if sold they would realise an estimated £670,000. They have been scheduled for disposal as part of the capital asset programme.
- 10.9 Advice about this option has been sought from property services officers and conservation officers.
- 10.10 The premises were extended and adapted, primarily over the course of the early-to mid 20th century, to provide a council chamber and office accommodation. The internal floor plan of numbers 26 - 28 is very difficult to disentangle. Advice from property services officers is that in today's difficult property market the floor plan and internal structure of these two buildings, coupled with their Grade II listed status, would render them relatively difficult to dispose of.
- 10.11 However, the features of these two buildings that are likely to be unattractive as a commercial proposition are features that make them particularly suited, with relatively minor adjustments, to the function of a court and ancillary office accommodation.
- 10.12 The accommodation available in numbers 26 and 28 would be sufficient to meet the coroner's requirements. Number 24 is relatively discrete from the other two buildings, and could be separated with only minor structural alterations. Property services officers have advised that number 24 is most likely to achieve a reasonable selling price if placed on the market with change of use to a residential property. It would be possible to make it more attractive by granting a right of way across the car park to the rear of the building, the allocation of (say) two dedicated parking bays, and the provision of a small area of land to the rear for a courtyard garden. These are likely to render number 24 an attractive and highly marketable proposition.

11. Conclusions

- 11.1 In light of the above, it is recommended that the Cabinet Capital Assets Committee act:
- (i) To remove 26 and 28 Endless Street, Salisbury, from the schedule of capital assets to be disposed of by the council.
 - (ii) To separate 24 Endless Street from number 26 and dispose of 24 Endless Street on the open market for residential development.
 - (iii) To convert 26 and 28 Endless Street, Salisbury to provide accommodation for the Wiltshire Coroner's service, to include 2 court rooms and office accommodation.
 - (iv) To dispose of Trowbridge Town Hall as part of the capital asset disposal programme.

Ian Gibbons

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Background Papers

None.

The following unpublished documents have been relied on in the preparation of this report:

None.

Appendices

Appendix I: Analysis of Coroners Options