

All Committee meetings were cancelled with effect from 23rd March, 2020 due to the COVID-19 emergency.

The recommendations in this report were approved by an Executive Director of the Council, acting under delegated authority in terms of paragraph 2.1.1 of the Council's List of Officer Powers

*Approved by Executive Director, Communities –
29th July, 2020*

Pittenweem Tolbooth

Report by: Paul Vaughan, Head of Communities and Neighbourhoods

Wards Affected: 19, East Neuk

Purpose

The purpose of this report is to provide information on an issue which has arisen in relation to funding for the restoration work on Pittenweem Tolbooth, a Common Good property. Communities & Housing Committee

Recommendation(s)

It is recommended that Committee agree to proceed with the work on the basis set out in the report.

Resource Implications

£150k has been identified from projected underspends in 2020/21 capital budgets. Property Services is contributing the £30k they would spend on scaffolding if no action is taken. Common Good property is not on the Fife Council balance sheet and therefore requires to be funded from revenue rather than Fife Council capital.

Given the urgency and to allow the project to go ahead, revenue funding from Property Services will be used. Further work will be undertaken around the possible use of CFCR to utilise capital slippage and on the funding position of common good assets and this may require a future report to Policy and Coordination.

Legal & Risk Implications

Common Good properties are held in trust by Fife Council on behalf of the former burghs. There is considerable and growing reputational risk to Fife Council due to the delays in finding a solution.

Impact Assessment

An EqIA is not required because the report does not propose a change or revision to existing policies and practices.

Consultation

Local Elected Members and Pittenweem Community Council have been consulted. A public meeting was held in Pittenweem in December 2019.

1.0 Background

- 1.1 Pittenweem Tolbooth is a 19th century structure adjacent to the 16th century church and part of the significant Priory complex of buildings in Pittenweem. It is an historic Grade A listed building within a conservation area and a Common Good asset.
- 1.2 In 2017 the Council received a request to investigate the weathervane which was off plumb. When the contractor visited the site to resolve he made comment on the condition of the stonework on the tower. While there was no risk of imminent danger, in the interest of public safety and to protect the historic structure, scaffolding of the tower was erected to allow precautionary temporary support of the stonework and further investigation to take place. This was undertaken as an emergency item utilising Fife Council Planned Maintenance funding as the works could not be delayed. Charges for scaffolding to date are £60,688 which equates to around £30K per year.

2.0 Project Costs

- 2.1 The cost of repairing the Tolbooth is £176,647.14 which breaks down as follows:

| | |
|----------------------|-------------------|
| Scaffold* | 57,235.50 |
| Lightning Protection | 7,245.00 |
| Stone Works | 90,412.61 |
| Temporary Works | <u>5,695.20</u> |
| Sub Total | 160,588.31 |
| Contingency (10%) | <u>16,058.33</u> |
| Total | 176,647.14 |

**Please note this scaffolding is different from the existing scaffolding put in place to provide restraint to the problematic stonework and is designed to provide a working platform to carry out the works. It is estimated that this work will take 5 months.*

- 2.2 Funding is not currently in place to allow these works to proceed. Further delays will incur additional costs for temporary scaffolding.

3.0 Issues and Options

- 3.1 Works should ideally start early in the 2020/21 financial year. Lime mortar must be used so work cannot take place in Winter which leaves the Spring to Autumn period

as the only viable timeframe to deliver the project. If works do not start in Summer 2020 then we are likely to miss the lime season for the year and works would need to be put back to 2021.

- 3.2 The last review of Common Good arrangements was reported to Executive Committee in March 2014. This focussed on the management of common good land & buildings and addressing some key inconsistencies. It confirms that land forming part of the common good is owned by Fife Council and Fife Council has been entrusted with the statutory responsibility of looking after it. In terms of Common Good properties it states that these should be maintained at the same or similar standard as non Common Good properties also owned by the Council.
- 3.3 There is a lack of clarity on the funding of maintenance & repair work of Common Good buildings. Property Services practice is not to use Corporate Repairs and Maintenance Revenue Fund for this purpose. Legal and Democratic Services has stated that the first call on Common Good revenue funding should be the maintenance of Common Good assets.
- 3.4 Some Common Good Accounts have buildings and moveable assets (chains of office etc.) but no or very limited revenue income. In the case of Pittenweem there is a projected annual income of approximately £9K from rents and external interest. There are no revenue balances as £30K has been committed to repair the windows of Pittenweem Old Town Hall, another Common Good asset occupied by a Community Library. Heritable property is valued at £29,002 and Capital Investments are £190,449. Repair of the Tolbooth would therefore require the liquidation of the Common Good account which is opposed by Elected Members and the local community.
- 3.5 The risk to this historic building is getting higher the longer that we leave the maintenance and restoration of the stonework. Given its position at the end of the High Street there is also risk to the public from falling debris.
- 3.6 Although funding has been identified from Communities and Neighbourhoods Capital budget repairs to a Common Good Property require to be funded from revenue rather than Fife Council capital. Due to health and safety concerns and the urgency in starting the work this season Property Services will utilise the property repair and maintenance budget. This is only a short term solution and this funding will need to be reimbursed. It is proposed that underspend in the Communities and Neighbourhoods capital budget is reprofiled to address this issue and opportunities for a CFCR swap are explored.

4.0 Community Consultation

- 4.1 A public meeting was held in December 2019 and since that time representatives of the Community Council together with local councillors have met with Fife Historic Building Trust (FHBT) to discuss Pittenweem Tolbooth. FHBT has indicated that the Tolbooth is of substantial historic significance and has recommended that the Community Council talks to Fife Council's archaeologist. In FHBT's view Fife Council has a statutory responsibility for the Tolbooth given its historical and heritage importance and Fife Council's guardianship role of Common Good for community benefit.

- 4.2 The community of Pittenweem feel that Fife Council has been negligent in its failure to maintain Common Good properties over the years and would be keen to consider a lease of the building or an ALEO arrangement to enable the community to raise external funding for the ongoing upkeep **but only after the work to make good the Tolbooth has been undertaken.**
- 4.3 The community is exploring the potential for the Pittenweem Tolbooth to offer seasonal exhibition space, house a local museum, become a tourist attraction or part of a history trail. A group would be formed to develop a Business Plan and to raise external funding for the refurbishment of the interior of the Tolbooth.

5.0 Conclusion

- 5.1 With no solution to the funding of the repair work to the Pittenweem Tolbooth there is an ongoing cost to Fife Council of £30K pa. for scaffolding and growing reputational damage to Fife Council. Elected Members are adamant that Pittenweem Common Good investments should not be liquidated for this purpose and as such a decision would require a report to Area Committee, an impasse has been reached.
- 5.2 An urgent decision is required to enable this work to proceed in summer 2020 due to the construction materials to be used.

Background Papers

No background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973.

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