

BATH AND NORTH EAST SOMERSET

MINUTES OF CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL MEETING

Monday, 14th June, 2021

Present:- **Councillors** Winston Duguid, Mark Elliott, Andrew Furse, Lucy Hodge, Shaun Hughes, Hal MacFie, Sally Davis, Dr Kumar (in place of Alastair Singleton) and Vic Pritchard (in place of Karen Warrington)

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Warrington gave her apologies and was substituted by Councillor Pritchard.

Councillor Singleton gave his apologies and was substituted by Councillor Dr Kumar.

4 DECLARATIONS OF INTEREST

Councillor Hodge declared a non-pecuniary interest in item 7.

Councillor Elliott declared a non-pecuniary interest in item 7.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The following members of the public made statements to the Panel:

1 Andrew Ellison - Director Next Stage Theatre Company. *A copy of this statement is held on the Council minute book.*

Councillor Furse asked what would be the desired length of the lease. Mr Ellison stated that it would need to be at least 60 years to generate the hypothetical value for the balance sheet.

Councillor Elliott referred to the 99-year lease and asked about succession planning. Mr Ellison explained that there is a steering group and succession planning is part of their work. The shares would pass to our daughter, but the functions would be taken on by others.

In response to a question from Councillor Hodge, Mr Ellison confirmed that the Company is registered at Companies House under 'Charitable Purposes'.

In response to a question from Councillor Hughes, Mr Ellison explained that if at any time, anyone wanted to change the aims of the company, they would have to change the Corporate Objectives. Michael Hewitt, Council Monitoring Officer, explained that this would entail the dissolution of one company and transferal to another.

2 Alison Paine - steering group member. *A copy of this statement is held on the Council minute book.*

In response to a question from Councillor Dr Kumar, Ms Paine confirmed that £30,000 had been raised for repairs to the roof and that this was all from small donations. She further explained that Capital funding required security of tenure which the CAT (Community Asset Transfer) would provide.

3 Barbara Ingeldew - Next Stage member and Drama Chair of the Mid-Somerset Festival. *A copy of this statement is held on the Council minute book.*

4. Jackie Herring - Artistic Director of the Jane Austen Festival. *A copy of this statement is held on the Council minute book.*

Councillor Dr Kumar mentioned that there were other theatres in Bath such as the Edge Theatre at the University. Ms Herring explained that the Mission Theatre is in the centre of the city and that many people arrive in regency costume and are photographed in the city centre. She further explained that the Mission building was versatile in the seats can be moved and it can be used for mid-week events.

5. Lily Styles - ex-Next Stage Youth Group. *A copy of this statement is held on the Council minute book.*

Councillor Furse asked about the background of the young people that attend in terms of inclusiveness and diversity. Ms Styles explained that in her experience, the group was wonderfully diverse and that members come from further afield than Bath such as Wiltshire and Bristol.

6. Ann Ellison - Artistic Director Next Stage and The Mission Theatre. *A copy of this statement is held on the Council minute book.*

Councillor Furse asked how the community outreach programme engages with young people from disadvantaged backgrounds. Ms Ellison explained that her background is in teaching largely in schools in Bristol that have pupils from disadvantaged backgrounds, and this led her to create a theatre that is accessible and relatable. She further explained how the theatre runs workshops and also offers discounted tickets.

In response to a question from Councillor Hodge, Ms Ellison explained that there is a bursary fund of up to £1,000 per year that youth group members can apply for. She further explained that if the CAT is awarded then they hope to extend the outreach work and employ a youth co-ordinator.

The following Councillors made statements to the Panel:

1. Councillor Jackson made a statement in support of the call in. *A copy of this statement is held on the Council minute book.*
2. Councillor May's statement in support of the callin was read by Councillor Blackburn. *A copy of this statement is held on the Council minute book.*

Public statements

7 CALL-IN OF DECISION E3275: - MISSION THEATRE COMMUNITY ASSET TRANSFER

Councillor Blackburn – Lead Call in Member

Councillor Blackburn stated that, while he and his family supported the arts, theatre and drama, members are elected to serve all of their residents. He asked that the Panel scrutinize and consider if this decision is best for all our residents and asked that it be judged objectively rather than emotionally. He stated that scrutiny is about assessing risks and benefits. He stated that the building is an asset to the Council and outlined what he felt the risks are:

1. Next Stage Theatre (NST) is a private company and directors aims and objectives can change and the company can be taken in another direction.
2. There is a 5 year plan to gain a 99 year lease. This does not contain a succession plan. NST have been in the building for 16 years and have continued to secure funding despite a diminishing lease.
3. The length of the proposal (99 years) will affect three generations. A picture of Western Riverside taken in 1986 shows the many changes in the area in the last 35 years and shows how things can change. The Council may want to utilize this building/asset in the future and suggested a 20 year lease. He confirmed that he supported Next Stage Theatre.

Panel members asked the following questions and raised the following points:

In response to a question from Councillor Elliott, Councillor Blackburn stated that he was aware of the difference between a company with shares and a company with directors, but stated that things could change.

In response to a question from Councillor Dr Kumar, Councillor Blackburn explained that a 20-year lease is a suggestion and that the Cabinet Member could come up with a similar alternative.

In response to the question from Councillor Hughes, Councillor Blackburn explained that the Council have a legal duty to secure benefits against the asset. A 5-year business plan does not stack up to legal scrutiny.

Councillor Hughes asked how the Council monitors social and economic benefits after 5 years. Councillor Blackburn stated that these issues are not considered after the event. He added that there should be a mechanism to monitor assets and lowering the lease time brings people back around the table.

Councillor MacFie stated that it would be unlikely that the building could be used for office space as it is one large room and the building is listed. Councillor Blackburn responded that office needs and designs do change over time.

Councillor Samuel – Cabinet Member for Economic Development and Resources

Councillor Samuel confirmed that members present had received the officer response to the call-in document (a copy of this document is attached to these minutes). He highlighted some of the points made in this document and reminded Panel members that they are only required to consider the points that are raised in the call-in notice and must disregard matters that fall outside that.

- The Leader and Cabinet model enables decisions to be made in a timely manner, it is unworkable to have pre-scrutiny on every decision.
- The Community Asset Transfer (CAT) policy was agreed by full Council and refreshed last year. This is a clear policy that has been followed scrupulously.
- The issue is whether the Council should secure use of the Mission Theatre for Next Stage Theatre. The building must be fit for purpose.
- The CAT is a means of ensuring better community outcomes.

Panel members asked the following questions and raised the following points:

Councillor Hughes stated that listed buildings are expensive to maintain and he did not want a repeat of the Grosvenor Place issue. Councillor Samuel stated that there are no similarities. He explained that the Council's estate has been assembled over many years and not all buildings are fully up to date as sufficient funding has not been provided. The Property officer Richard Long explained that the recipient of the CAT has to comply with the lease terms.

Councillor Elliott asked what is the worst-case scenario. The Cabinet Member stated that doing nothing is the biggest risk – NST will not have a guaranteed building, the building will need repair and we would lose a community asset.

Councillor Hodge asked if the CAT process is reversible if the outcomes are not delivered. The Cabinet Member explained that there are safeguards in place to address this.

- In his closing statement, Councillor Samuel asked the Panel to keep to the terms of the call-in and do the right thing. He stated that he would respect their decision.
- In his closing statement, Councillor Blackburn stated that the Council does not have a good track record in taking back buildings. He added that the NST are

fantastic, but the Council does not need to tie itself up for this long. He asked the Panel to be mindful in making the right decision.

Panel debate

Councillor Elliot stated that the call-in issues are mainly around the Council's ability to manage the process and that the NST should not be punished for that. There should be some improvements in monitoring.

Councillor Furse stated that the call-in was about costs and does not talk about community value and the NST provides a huge community asset.

Councillor Hodge agreed and stated that community value cannot be measured.

Councillor Hughes stated that the NST is a great organisation but there are concerns about whether lessons have been learned from Grosvenor Place. He also stated some concerns about the potential change in ownership and direction in the future.

Councillor Pritchard stated that he was completely satisfied with the legal process and that the 99-year lease gives clarity to the NST and protects the building.

Councillor MacFie stated that he hoped the NST would reach out to North East Somerset.

Councillor Davis stated that the call-in concerns are on process and that this should not be taken out on the NST.

Councillor Dr Kumar stated that he supported the CAT and that art and culture are good for the community. He would like to see more collaboration with oriental countries.

Following a motion from Councillor Elliott and seconded by Councillor Furse:

It was **RESOLVED** to dismiss the call in
(8 for/0 against/1 abstention)

The meeting ended at 6.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Next Stage Theatre Company

Statements in support of our CAT application of The Mission Theatre

1. Andrew Ellison - Director Next Stage:

There seems to me to be a misapprehension that The Mission Theatre is a goldmine and that we, as a company, are seeking financial gain. NS is a Not-for-Profit Company. That means that any surpluses cannot be distributed to shareholders but must only be spent on the charitable aims and objectives of the company. We have received no financial support from the Council at any time during our existence.

Councillor Blackburn uses, as his financial metric, the totalling of the rent over 99 years. There is a fundamental misconception here that forgets the time value of money. The future value of £1 is less than the present value of £1. Compound interest is the mechanism that makes that so. Therefore, the value of the property has to be expressed as a present value – which is exactly what the valuers appointed by the Council have done. Their figures, as a result, are far lower and are the proper metric to use.

Before we took it on The Mission was a problem building. Empty for 7 years, derelict, and attracting no interest for commercial use because the LB Officers insist that the main interior space remains as a single large room. The presence of Bath Quays North will not change that stipulation and hence any alternative use of the building is strictly limited.

We are seeking aid now in order to do two things – a reduction in rent to a peppercorn will allow us to employ a Youth Co-ordinator to expand our youth and educational outreach work. A long lease will allow us to fundraise for badly needed repairs to the building from funders such as the National Lottery Heritage Fund and from major private sponsors.

Whilst we have an FRI lease, our repairing liability is limited by a schedule of condition to the derelict state the building was in when we took it on from the Council. Every penny we have spent on the fabric of the building is a penny saved from the Council's own repairing responsibilities. The Council's liability, for this Grade II listed building, would be far greater but for our period of stewardship. We have already far exceeded the strict limit of our contractual repairing liability, but now wish to put the many previous years of neglect to rights. Simply providing a peppercorn rent over 10 years will not produce the matched funding that the National Lottery Heritage Fund need as a precondition of grant aiding this work. Significantly, the only question they have raised regarding our application has been to ask if the Council's CAT is going ahead as the CAT provides the matched funding they need.

That the CAT provides NS with a lease with a hypothetical value does not however mean that we can profit from it. The lease, as existing and as proposed, contains a complete bar on alienation. We cannot sell or sub-let the building. As a Not-for-Profit Company we are completely comfortable with this. We are about theatre and education, not property development. I believe that the CAT also chimes with the

Council's own wider societal objectives whilst leveraging in external funds for repairs to a building that would otherwise be the responsibility of the Council itself.

2. Alison Paine - Member of Next Stage's Steering Group:

I was astonished to hear that this CAT has been called in as it is clearly in the best interests of everyone concerned – the Council, the lessees, the building, and the local community.

I wish to focus on two of the stated objections:

4 refers to the responsibilities of the occupiers to "meet the repair and update costs of the building", adding that "they are fundraising to meet that obligation."

5 suggests that the CAT represents the "erosion of residents' assets".

May I remind the Committee of some history:

The Mission building was taken on by Next Stage 16 years ago after lying empty for 7 years. Neglected by the Council it was almost derelict when Next Stage took on its initial lease, restored the building and turned it into a theatre at a cost of £180,000. Since 2005, Next Stage has painstakingly built it into a unique cultural and educational community asset, breathing life and purpose into a building that was previously unlettable and derelict.

Essential repairs to the roof are now urgently required and expected to cost £110,000. A fundraising campaign was started on the understanding that the CAT would be approved, but without it this cannot continue, as capital fundraising requires security of tenure and there are only 8 years left on the lease. A grant to the National Lottery Heritage Fund has been submitted but this too will fail without the CAT, as the 99-year lease is the only source of matched funding for it.

Thus the CAT is vital to attract the external funding needed to rescue this listed building – far from "eroding residents' asset" the CAT will secure its future.

With the CAT, The Mission Theatre will be able to continue in business and expand its services to the community including the establishment of Next Stage Juniors.

But without the CAT the Mission will not be able to survive.

Next Stage cannot possibly fund a capital sum of this magnitude, so will have to vacate the theatre. The building will lose its tenants and the town will lose a theatre, a concert hall, a community centre, and an important educational resource for children. And instead of preserving "£1.5m of rental income for the next 99 years", the building will become your problem again, unlettable and in need of an immediate injection of £110,000.

This would be act of cultural vandalism and financial folly for which the Council will not be forgiven. Please don't do it.

3. Barbara Ingledew - Drama Chair of the Mid Somerset Festival:

As a local drama teacher and as Drama Chair of the Mid Somerset Festival here in Bath, I have had first-hand experience for many years of the unique value of The Mission Theatre and Next Stage to the youth of Bath.

The flexible performance space, intimacy and excellent acoustics as well as its location has made The Mission an invaluable, affordable venue for the Mid Somerset which provides performance opportunities for 1000s of children and young adults every year.

As a local drama teacher I care passionately about giving young people the chance to explore their creativity and, essentially, to find their voices and to learn not to be afraid to speak. For this reason I have sent many of my own students including my own children to Next Stage Youth.

I can honestly say that this youth theatre is quite unique among other drama groups in the city. Firstly, it is surprisingly difficult to find a group that is purely for drama and not musical theatre. It is also rare to find a youth theatre that throws the 11 year olds straight in with 18 year olds, a valuable experience for both. There are no egos and no 'stars' as the ethos of the company is to give everyone a chance regardless of ability. Rarely have I found a youth theatre with such a strong team spirit and supportive attitude.

But what really makes NSY unique is the many opportunities to work with the adult company, either in the numerous NS productions at The Mission itself but also, on a biennial basis, down at The Minack Theatre in Cornwall.

The Mission's support for the young people of Bath is not limited to Next Stage Youth. Over the years I have seen many young adults be given experience and job opportunities at the theatre. School leavers working in the office learning about theatre management, university students stage managing, running the tech box both here in Bath and down at The Minack. So many of them are now working in prestigious professional theatres thanks to the experience and training they received at The Mission.

As schools open up again I know it is the intention of Next Stage to revive their outreach work going in to schools. Schools that may not have much drama expertise in house or time.

Finally, while considering this bid I would ask everyone in this room to think about what effect the last year has had on all the under 25s in this country. School, university lectures, extra-curricular activities from a laptop alone in their bedrooms, if they are lucky. Not even being able to speak without a mask on. Surely anything, ANYTHING that can be done to support The Mission to expand these opportunities for the young should be an essential part of Bath's recovery.

4. Jackie Herring - Artistic Director The Jane Austen Festival:

The Jane Austen Festival is in its 21st year. Held in September it is an annual ten-day celebration of all things Austen in this beautiful city of Bath. It has grown from just a handful of events for locals to an internationally famous and much-loved festival.

It is certainly considered one of the reasons to travel to and stay in Bath in September and attracts people from such diverse places as Russia, Ireland, and the largest contingent coming from the USA in a normal year!

Apart from the attraction of Austen herself, the festival has gained in popularity due to the use of the city's many historic venues. Places like the Guildhall, the Pump Rooms, and the Assembly Rooms are spectacular and ideal for 'bookend' events for festivals.

To survive and grow festivals also need mid-week event that are both good quality and affordable for the majority. Which is why every year since 2013 the Jane Austen Festival has made The Mission Theatre its base for the week.

There is no other performance venue in Bath that suits a festivals' purpose quite so well as The Mission Theatre, and why it has become so popular over the years with other literature, music, and children's festivals.

The practical benefits are:

It has a reasonable size auditorium, spacious changing facilities, lighting and sound facilities, excellent stage, air conditioning, decent toilets and is easily accessible for wheelchair users.

The auditorium of the Mission Theatre is a very versatile space, with its brilliant acoustics and moveable seating, it is ideal for all sorts of productions and activities. The small theatre upstairs and other performance spaces in the building allow us to put on something to appeal to everyone. From bonnet making and dance workshops

to book signings and full-blown musical adaptations of Austen's novels, everything is possible in this theatre.

It is The Mission Theatre's intimacy, versatility, and affordability that will, as the event industry rebuilds after an incredibly difficult 18 months, be so important as a venue for the cultural offer of Bath.

The transformation of what was a derelict building into the vibrant performance space it has become is testament to the hard work of the Next Stage team as is their continual dedication to the restoration of this lovely old building. It would be a devastating loss to local festivals and community arts groups if this theatre had to close for lack of repair funds. It is a vital location for both the future of The Jane Austen Festival and emerging events that need our support to keep Bath relevant as a recreation destination in the UK.

The Mission Theatre is quite simply the perfect facility for festivals in Bath.

5. Olivia Stiles: Ex-Next Stage Youther and The Mission Theatre's Office Assistant

In 2014 I asked the Head of Drama at my school if he knew about any extracurricular theatre groups I could join. I was a young person with a passion for theatre, but with very few people around to support me. My teacher suggested I contact Next Stage Youth. Within a week I had been welcomed into the theatre company and offered a part in their upcoming Christmas show. For the first time ever I was in a theatre - The Mission - rehearsing a play with a group of truly like-minded people, who shared my enthusiasm.

I quickly discovered that everyone in Next Stage Youth really appreciates the fact that for all their youth shows at The Mission Theatre, the adult company throws its full weight and experience behind each production. Indeed, one of the unique opportunities that Next Stage affords its young actors is the chance to work alongside the members of the adult company which is a surprisingly rare occurrence for young actors, and isn't one I've had anywhere else. In both companies, I've made friends for life, and found a wonderful community which has supported me throughout my education.

Another invaluable opportunity Next Stage offers some of its young actors is the ability to tour with the company. Be it in Scarborough, London's West End, or the Minack theatre in Cornwall, Next Stage always makes a conscious effort to offer these unique opportunities to its younger actors.

Next Stage Youth has provided me with high-quality experiences of what it's truly like to work in a theatre as a performer. And now, as an adult, Next Stage has given

me the chance to learn about the actual running of the theatre, by employing me to work in The Mission Theatre's office. Here, I am able to carry on learning about the industry I love so dearly.

Next Stage offers experiences to young people that no one else in Bath does, or indeed can, as one of the things that facilitates the fantastic work that they do is their residency at The Mission Theatre. The security offered by having a space to call their own is something that ensures the quality of training that young people are able to receive there. For rehearsals, workshops, and shows, The Mission provides a versatile and professional space for young people to work in, and being able to reliably host sessions in the same space each week allows Next Stage to focus more time working with young people on imaginative and challenging productions.

For almost thirty years, Next Stage has had an active commitment to the people of Bath, and thousands of young people have spent time with Next Stage Youth. These Youthers have now grown into confident adults, partly as a result of their time with Next Stage. The awarding of the CAT to Next Stage will secure the company's future in Bath, and at The Mission Theatre, and in turn ensure that generations of young people will be able to enjoy, and benefit from, everything that I have experienced. Please do not deny them this.

6. Ann Ellison BEM Artistic Director Next Stage Theatre Company and The Mission Theatre:

The views you have just heard expressed by the five previous speakers and the heartfelt appeals they have made to you to ensure the future of The Mission Theatre are just the tip of the iceberg.

Many of you will have seen the three page coverage in this week's letter pages of the Bath Chronicle. Every single letter is in support of The Mission with people from far and wide all begging the council to grant the CAT to Next Stage. I know many of the names, but not all and it has made me feel very humble that so many people from different ages, backgrounds and cultural orientations have felt driven to put in writing, or speak today, to explain how important our amazing community venue is to them.

I believe deeply and passionately in the transformative power of theatre. As a secondary school teacher, as a director of a charity, and as Artistic Director of The Mission Theatre for the last 16 years, I have spent all of my working life trying to bring theatre to people and people to theatre. It's why nearly 30 years ago I set up Next Stage and Next Stage Youth - I wanted, through in-the-round productions and school workshops, to break down the fear factor that is prevalent in many

individuals. The fear that theatre is not for them because it is an intellectual activity; the fear they will find it elitist, boring, unintelligible, or too expensive.

It was when Andrew and I walked in to The People's Mission in 2002 that we knew we had found the perfect venue in which theatre could be exciting, stimulating and all-inclusive whilst remaining affordable, accessible and meaningful to young and old. The then derelict ex-chapel had a warmth and intimacy that was palpable and which has simply grown as the theatre has flourished and more and more people have come through its doors. They come to see a performance and will often be transported by what they see and hear, frequently taking away with them memories, life-changing ideas and images that will stay with them forever. Daily there is so much amazing creativity encapsulated and delivered in a small modest chapel building that no one wanted, but is now a thrilling place of theatre and performing arts.

If you come and talk to the volunteers, audience members and performers you meet at The Mission you too will come to understand why it is essential we try to protect this building and its role as a valued community venue on into the future. Because for generations to come there will always be the need for the magic and wonder of theatre in peoples' lives and our lovely building would not be able to carry on providing these should it be forced to close.

Please let us continue to look after and cherish The Mission Theatre by awarding Next Stage the CAT it so desperately and deservedly needs. Thank you.

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