

## **Written evidence submitted by Bath Place Community Venture [CRS 25]**

Apologies if this submission is lengthy and perhaps, even a bit round-about in its relevance to the topic but I feel it important to relate our experience as a community group and a charity in relation to the Community Right To Bid, an important local Community Asset and how the legislation was taken on board by a local authority.

In 2009 a fire, caused by contractors in the employ of Warwickshire County Council, all but destroyed 2 Bath Place which, at the time, was home to one of the leading social enterprises, longest running charities and exemplary voluntary organisations in the West Midlands.

At the time of the fire, Bath Place Community Venture was running at full throttle with a turnover upwards of £350K/annum and was just about to celebrate its 35th anniversary of working in the community with a low-income WCC nursery, a much frequented vegetarian cafe staffed by volunteers with projects and programmes for young and old.

Over the years, Bath Place Community Venture was a long-term tenant various local authorities and had occupied the building since 1974. Post-fire, the Council made no serious attempt to rectify the situation and subsequently, BPCV was forced to move into very temporary and, ultimately short-lived, accommodation in the the Old Library, itself a philanthropically funded asset formally belonging to the Council but transferred at a very low price to Warwickshire College who proceeded to profit enormously from it's neglect and subsequent sale to private luxury developers. Unfortunately, the advent of the Localism Act of 2011 arrived too late to apply in this case.

However, as it fulfilled every conditional requirement, the original site was nominated and duly registered as an Asset of Community Value using Community Right to Bid in March 2013 and the moratorium was triggered on July 4, 2013 when WCC placed the site "on the market".

In the ensuing period, Bath Place Community Venture complied and submitted a fully-funded and achievable redevelopment proposal with a financial plan, partnership agreements with WCC contracted service providers (Springfield MIND/ESH Works among others) , a Social Return on Investment Report with an estimated £8:1 return (£4 million/annum) and a fully costed architectural scheme which combined community and heritage concerns with good design. It is worth mentioning here the extraordinary assistance of Locality, SIB and the My Community Rights team who advised and guided throughout the whole process.

The proposal was based largely on the County Councils own Community Asset Transfer Protocol and designed in a way so that the "offer" consisted of the actual development while the financial aspects of the proposal were based on loans and grants based on our long history and relationship with Unity Trust Bank (£500K Loan), the Social Investment Business (Feasibility & Capital Grants), and a combination of smaller funders and community/corporate fundraising.

The idea was that as opposed to "purchasing" a public asset from a public body the funding would be best used to rebuild. Funders will not fund such "purchases" for obvious reasons not least being the moral hazards of using social funding to buy what, in theory, the public already owns.

After what was explained as "deliberations" July 22, 2014 the Cabinet of WCC decided to reject the Bath Place proposal in favour of a private developer of supported housing.

With the decision to sell 2 Bath Place we believe the WCC Cabinet has set a terrible precedent, one which has set back the cause of local empowerment, community engagement and public heritage in multiple ways in Warwickshire with ramifications still yet to be truly felt. It is widely felt that the Cabinet and Officers have neglected their responsibility to adhere to numerous of the Councils own policies around Community Asset Transfer and democratic transparency, national guidance and legislation around Social Value/Best Value and importantly, the spirit, purpose and intention of Community Rights and Localism.

During the moratorium period the Councils own Protocol for the Transfer of Community Assets (2011) was largely ignored, information requested from Officers was not forthcoming and meetings with relevant Portfolio holders were denied. Our attempts to value the building with the District Valuer were blocked by WCC Officers which made it impossible to come to any reasonable offer figure or, despite the aforementioned issues, raise the requisite funds for purchase. We were told to deal solely through a private estate agent who had no knowledge or experience of dealing with the Third-Sector and, although helpful, was self-confessed to be inadequate as an intermediary.

Furthermore, and somewhat more concerning, despite the full democratic support of local and regional County councillors, the local MP and countless members of the community for an independently funded rebuild of the Centre, the Council Executive without proper public consultation or again, any genuine attempt at democratic transparency, manoeuvred to "absorb" the £867K insurance settlement from the fire damage as a "virement" into their general revenue.

In this decision, essentially, what the Council Executive seems to be implying as the body in charge of public health, safety and services is that it's perfectly acceptable to, however accidentally, burn down a thriving community asset, ignore its statutory responsibilities to the voluntary sector and vulnerable members of the community and using obstruction and delaying tactics, flog off the remains, leaving one of its most prestigious and well-loved local charity organisations still without a home and in dire threat of closure despite the wishes and desires of local residents. In addition, but quite importantly, it makes a total mockery of the principles of the Warwickshire and National Compact.

An Extraordinary Meeting of Full Council was held on June 10 2014 with over 90% of Councillors attending and despite direct recommendations to the Cabinet in favour of the Bath Place scheme the Cabinet found themselves unable and/or unwilling to reverse their original decision in line with the democratic wishes of Council and local people.

Throughout the process all important information has been classed as exempt under Schedule 12A of the Local Government Act but a basic understanding of the meaning of the Act would reveal that, in this case, the public interest in disclosure far outweighs exempting the very important public information that was discussed throughout by Members and Officers.

The Cabinet and Council officers, took approximately 14 months to seek out an external and extra-local corporate private developer and then decided in its favour. The fact that there was, and still is, a community interest willing to take on the burden of redeveloping an important piece of local heritage should have triggered a positive, inclusive and supportive process as suggested by Local Government Association guidance on Community Asset Transfer and Community Rights instead of a protracted, convoluted and very dis-empowering experience.

The English Heritage guidance on Heritage Assets says that Councils should always seek to conserve and protect historical assets and in this case, it seems the Cabinet and Officers have acted completely outside of this framework. Bath Place CV made an extraordinary public effort to provide a design scheme which preserves all of the remaining structures and incorporates the existing historical features. The structural report was positive and Warwick District Council Planning gave the plan a glowing pre-planning letter. As of writing, the Council has not provided or demonstrated any information that the chosen scheme will not demolish the buildings or uphold conservation concerns.

For a historical perspective, WCC paid £25K to Warwick District Council for the site in 1984 and with this sale will realise, in real terms, a large profit at the expense of vulnerable, disadvantaged residents and the general footfall and economic well-being of Leamington, especially in the deprived wards of Old Town. In the years since BPCV was founded well over £3 million of public, social and philanthropic funds have been raised for the benefit of local people. The question that might be asked is how the Council justify such a careless attitude and loss of such an important and valuable local legacy?

I believe the decision taken by the Council Executive to be not only contrary to WCC policy to transparently and fairly serve the locality of Leamington but that the wider community at large have been badly neglected by this decision both from a democratic and services viewpoint.

In short, the spirit of Community Rights and Localism were sadly, not taken on board. We feel there stronger legal powers for the Third Sector would be most useful when it comes to important Community Assets and concerns.

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