**Cleveland Pools Trust and local residents meeting**

**11 August 2017. The Guildhall, Bath**

Attendees:

**B&NES:**

Cllr Fiona Darey (FD) Walcot Ward Councillor (Chair)

Cllr Richard Samuel (RS) Walcot Ward Councillor (co-chair)

Cllr Paul Myers Cabinet Member for Economic Development

Tony Crouch (TC) World Heritage Manager (Meeting Notes)

**Cleveland Pools Trust: (CPT)**

Ann Dunlop (AD) Trustee

Christopher Heath (CH) Project Director

Paul Simons (PS) Trustee

Suzi Grainger Trustee

Fred Parkinson Trustee

Andy Mullett (AM) Trustee and Treasurer

Paul Jardine Business Planning Consultant (Jura Consultants)

**Residents:**

Charles Draper (CD) Chair of Bathwick Estate Resident’s Association

Ric Jerrom (RJ) Local resident

Chris Curran (CC) Local resident

Simon Chippindale Local resident

Pauline Mungai Local resident

Judy Sandy (?) Local resident

(male local resident 5 – name not captured)

Carol Beattie(?) Local resident

Jamie Matthews (?) Local resident

**MEETING NOTES**

1. FD opened the meeting at 6:15, welcomed attendees and invited introductions. These included Cllr Paul Myers, who has taken on the political portfolio previously held by Cllr Anketell-Jones. She then outined the agenda which was intended to look at a range of options including cold water bathing, the Heritage Lottery Fund (HLF) timetable and procedures, and how consultation would continue moving forward.
2. TC outlined the actions from the last meeting (5 June 2017). These were as follows:
* CPT to contact consultants JURA asking for an estimated cost to model cold water swimming.
* CPT to consider their response to the points raised in the meeting.
* RS to investigate whether any financial contribution toward the cost of business modelling could be found.
* CPT to ask the HLF if an extension of time before bid submission was possible.
1. CC asked what participants wanted to see as outcomes of this meeting. From his standpoint he hoped for genuine dialogue and negotiation. He didn’t feel this had been achieved at the last meeting.
2. CD said he had regrets about the whole process. There had been insufficient interaction between the CPT and residents, and residents were shocked when they first heard intended visitor numbers last September. He was looking for an agreed way forward, with both CPT and the HLF. He felt the HLF could be persuaded to deviate from standard processes/timetable. Residents still had not seen the initial business plan, despite repeated requests.
3. Trustees of CPT introduced themselves, giving reasons for their involvement. These included Paul Simons, who was the project director of the new Bath Spa from 1998-2003.

(Two further residents, thought to be Carol Beattie and Jamie Matthews, joined the meeting).

1. Paul Jardine, independent business consultant retained by the CPT, introduced himself and his report on cold water swimming. PJ outlined his extensive experience of working with the HLF, including 18 applications to that body. He is also an HLF advisor, mentor and trainer. He lectures at UCL and is the author of the HLF’s business guidance.
2. PJ said that in his opinion the CPT had no option to extend the deadline to submit to the HLF and were in the ‘last chance saloon’. Failure to submit in August would put them back at the very first steps of the process. The HLF are very clear on this and have previously been tested on it. The CPT submission would be assessed by the regional HLF committee and their recommendation then goes to the Board of Trustees in London. The process takes 3 months, resulting in a yes/no decision. There is no negotiation and no right of appeal. If the decision is negative the project effectively ends. Any re-application, from the very beginning of the process, would face a far more difficult climate today than when the current project was started.
3. Pauline Mungai asked about the relationship between PJ’s involvement with the HLF and his current role. PJ responded that he knew the HLF process (and indeed had a project funding failure rate of 4%) but he was independent of the HLF and any decision they might make. CC noted that the high expectations of success with HLF funding might explain what he saw as the CPT’s reluctance to change course.
4. PJ continued. If successful in their submission to the HLF, the CPT would enter a process which constituted a legal contract. Permission to start was the first ‘gateway’. The legal process can extend for 20 years and the CPT would be bound by the ‘approved purposes’ of their bid. The CPT cannot deviate from these approved purposes and could not, for example, sell on to a wholly commercial enterprise. The HLF periodically monitors progress.
5. AM said it was worth clarifying that the HLF could ask for their money back if the CPT breached the agreement.
6. RJ said that having not seen the business plan, what are the approved purposes enshrined? The HLF website refers to outdated 2014 information which includes retention of the ladies pool. New ‘heritage unfriendly’ infrastructure has now superseded this. When do the approved purposes date from?
7. PJ responded that HLF round 1 is the ideas stage and the mid-term review within that stage encourages evolution of those ideas. Change is therefore expected and the HLF have approved these. The HLF do not update the original proposals on their web-site during stage 1.

(Andy Mullet left the meeting)

1. PJ continued. The HLF are looking for ‘sustainable and resilient’ projects worthy of grant support. Market potential is a key consideration. The business assessment was that a year round operation would ‘haemorrhage cash’. Cold water swimming is less attractive to the general public. In general, heritage sites are notoriously difficult to generate income from. With regard to expenditure, the operational costs of heating etc. are quantifiable. Volunteering is more difficult to cost and it does not work without paid staff. The HLF have allowed for built-in revenue grant which will cover any unforeseen deviation from the business plan predictions. The business plan can only ever be a forecast. This is not an easy project and financial reserves will be needed. The business plan figures need to convince the HLF this is a sustainable project – if they do not the HLF will not support it.
2. RS asked when the HLF receive applications do they look at the future financial viability?
3. PJ responded categorically yes. A scheme must achieve sustainability through financial viability, from whatever source.
4. Pauline Mungai asked if the HLF also consider the impact on the neighbourhood.
5. PJ responded that they look at public benefit, which would include neighbour impact. The HLF are more interested in a strategic view of benefit and whether the scheme would deliver a better place to live.
6. Pauline Mungai asked if the project does not have local support, what would this add to cost?
7. PJ asked for an example as to how lack of local support might make a financial impact.
8. Pauline Mungai replied that residents could do a lot to disrupt building works.
9. CD said that the missing element here was that the social impact had been addressed far too late. 36,000 visitors per year is unacceptable for a quiet residential area and if this principle had been built into earlier planning the scheme would be different. He still hadn’t seen the original business plan and it was not the resident’s fault that these discussions were taking place at this late stage in the process.
10. PJ said he could categorically state that the HLF would not support the cold water bathing option.
11. Resident 5 said that financial viability is not the resident’s problem. The issue for us is that 30 thousand visitors will generate 2,000 people per week on our roads and ruin our lives, all summer long. The CPT appear to regard us as ‘NIMBYS’ but it is our back-yard and we will see and hear it. Financial viability is not our problem and is not what we want to discuss.
12. RJ said he was astonished that residents hadn’t been introduced to figures before. The current scheme does not seek to preserve the pools as they preciously were. Objections to this scheme are 1. Size and vulgarity 2. Operation – the long hours and numbers. 3. The building phase – heavy lorries in and out, infrastructure provision, no highway turnaround space and overall a danger to people living there. He was surprised the HLF would not take these points into consideration.
13. CC asked PJ why he didn’t advise his clients to consult earlier? Was it because it was not an HLF requirement to do so? When year round swimming was not considered to be viable, why was a more modest option not considered?
14. PJ clarified he was not in any way seeking to deliver a threat, but instead a clear explanation of how we had arrived at the current position.
15. CD said that the Bathwick Estate was clearly defined and contained 440 households. In communication with residents it was clear that they do not want the pools re-opened on this basis. They were looking for an option that all could support.
16. PS asked CD if he still believed a cold water swimming option to be viable.
17. CD responded that he hadn’t yet dismissed the options of engaging more volunteers, looking for other income opportunities, etc, and there was still hope these options could help.
18. PS said that these issues had been considered but did not work as a business model and CD said that planning on alternative options had been left too late.
19. FD asked if it were possible that there was no access from Hampton Row and that access was only made available from the river. Hampton Row could be used as a means of escape only.
20. RS said that with regard to construction traffic, it was difficult to service the site from Hampton Row and better from Kensington Meadows.
21. CH confirmed that the HLF decision was expected on 15 December 2017. There would be 11 months for detailed design work, including a construction management plan, to consider these points.
22. CC asked if the position on construction consultation had changed.
23. CH responded that the CPT was keen that the residents had direct contact with the contractors and PJ added that residents would have involvement in the construction method statement.
24. CH stated that the requirement for consultation would be written into the lease (between the Council and CPT). CH circulated suggested wording for the lease and read it out. (see Appendix 1).
25. Pauline Mungai said she still had no confidence in consultation, as there hadn’t been any meetings until the big one where all decisions had already been made.
26. RS said that he was not expecting immediate consensus. There were 3 options going forward. 1. To submit to the HLF (which was a CPT decision). 2. Not submit (again for the CPT to decide). 3. Submit and continue discussions. It was apparent the HLF would not extend the deadline beyond the end of August 2017. RS was of the view that the best option was to submit and continue discussion. If the grant is refused, the project effectively ends. If the grant is given, consultations continue and the expected opening is not until 2020 so there is time to talk. No ‘plan B’ is apparent. Ward councillors are acting as a bridge and can only make this work if residents are fully involved in the project.
27. CD said they had not seen the refinement they were seeking. The project is still of the wrong scale. If they could reach agreement with the CPT and HLF then all parties could move forward together.
28. FD said there were still many variables within the project. You do not have to build all that you have consent for. Operational hours, access, visitor numbers, ticket pricing and water heating could all be varied.
29. PJ said that his advice would be that the option should be varied based on experience. With cold water use, the HLF will want to see public benefit for their £3.7m investment and if varying the options reduced visitor numbers this in turn reduced the public benefit.
30. FD suggested that visitor numbers could be spread throughout the year to sustain the public benefit, to which PJ responded that however it was spread the overall number cannot easily be cut.
31. RJ said he remained opposed to what had been suggested. He recognised ward councillors were trying to reconcile, but only if the scheme was being refined within an overall scale that was acceptable to residents would this be possible. The reason that there is only one plan is that there has been no meaningful early consultation, which was a dereliction on the part of the local authority and had resulted in a vulgar scheme. It was still possible to develop a more modest scheme. Bath needed a lido, but this could be developed elsewhere such as in Parade Gardens.
32. PS said that the scheme had been through a stern examination in the planning and listed building process. This had resulted in 8 pages of conditions. The meeting tonight was to look at the business case for cold water use. The CPT’s charitable purpose was to revive swimming for public benefit. The CPT have decided that they will submit the application because if they do not the opportunity for funding will be lost. He was sorry if that is not what residents wanted to hear. However, the clauses in any HLF contract would be legally binding and the CPT will be obliged to minimise disruption. He acknowledged that there would inevitably be some disruption. If the CPT wanted to be the operator of the pools (once opened) they would be liable for an £800,000 VAT bill. In order to avoid this, a community benefit society will be established to run the pools under licence. This gave residents the opportunity to be directly involved in the running of the pools.
33. Resident 5 said it should be noted that many who supported the planning application were from wider afield. The surrounding community see no benefit to them.
34. CD said that assumptions had been made in the project planning about risk, volunteering, ticket prices, etc. How has the CPT factored in local active opposition?
35. PJ said that he had never been asked before to factor in local active opposition and wondered how this would manifest itself.
36. Pauline Mungai responded we will have to wait and see.

Pauline Mungai left the meeting

1. CD said there was a distinction between genuine consultation and the feeling that a scheme was being imposed upon people.
2. PJ said the demand for the site could be monitored and sensitivity testing undertaken. It was also possible to re-model if volunteers could not be found.
3. RS commented that in his experience working with the Citizens Advice Bureau it was increasingly difficult to attract volunteers. People were unwilling to travel, volunteers had many different choices and they must also be trained. PJ acknowledged and agreed with this.

(Ric Jerome and 1 other resident left the meeting).

1. RS pulled together conclusions. The meeting had heard that the CPT will submit their application, the HLF will consider it and decide, the CPT had tabled detailed proposals to work with residents and the ward councillors will remain with the process and assist where possible.
2. CD said that nothing had changed with regards to the resident’s objections.
3. CC said it had been enlightening and therefore useful. It was expected that viability would dominate the agenda, but here had been no concessions to resident’s key concerns. Residents wanted to stay engaged but that required real dialogue. He had hoped to have heard more to give confidence of dialogue.
4. PS said that the CPT had laid out an explanation of why they needed to submit the bid. The offer of further involvement is genuine. The CPT can’t know with total certainty how the business plan will perform and there was a real opportunity for the community to shape this and take it forward. The current CPT trustees will step back and will not be in the majority in the community benefit society. This project was attempting to renovate the oldest public pools in the UK and was not easy. The planning conditions would hold the operation to certain noise levels.
5. Resident number 5 said the Georgian lido was never designed to accommodate these numbers.
6. PJ said that the operating hours had been tightened up and whilst the community benefit society was the right model moving forward, for now we had aim for a sustainable operation. CH added that we have to realise the current opportunity and have room to adjust as we go forward.
7. CD said that residents do not want this on the proposed scale. He understood where we are, but they will give their views to the HLF.
8. RS acknowledged that none of us were exactly where we wanted to be. The local authority had been left with a historic asset to sort out and it was not by any means the only historic building in their care. We need to move forward and we are still talking albeit nowhere near resolution. River access is an area which needs further explanation.
9. FD said that the bid would be submitted on 31st August. Thereafter we had thinking time and should look to meet again in the New Year.

The meeting closed at 8:03pm

**APPENDIX 1**

Proposed condition for lease and building agreement.

Terms “Developer’ – means CPT and its contractor

LIAISON WITH LOCAL RESEIDENTS

1. The Developer will offer regular meetings with agreed representatives of local residents in Hampton Row and the Bathwick Estate, that maybe affected by the development during its construction and operation. Local ward councillors will also be invited to attend. The representatives will be:

1. Consulted over the Construction Management Plan for the site to be agreed with the developer’s contractor, with the aim if minimising disruption
2. Kept abreast of programming and progress with the projects delivery including a designated contact for the developers’contractor
3. Consulted on a regular basis (timescale to be agreed … at least every 3 months in the summer opening season?) on how they are affected by the ongoing operation of the pools once open for swimming. The meetings will be used to feedback issues to CPT and the Council as landlord and local authority, and to agree any actions to be taken to mitigate any concerns and issues arising.