

## **Response from BATS and Comments by Brixham Town Council / Torbay Council**

The following is a replication of an email received on 22 September from BATS in response to a letter sent to them seeking their views on the proposed transfer of the Town Hall (excluding the library and museum) to Brixham Town Council (BTC).

BTC has seen the email and their comments are shown in red below. Further comments by Council Officers are shown in blue.

Dear Mr Bouchard,

Andrew Baldrey has forwarded your letter to me. I don't recollect receiving it previously but I am replying on behalf of BATS (Brixham Arts & Theatre Society) and ask that this reply is presented completely to Full Council when the transfer of Brixham Town Hall to Brixham Town Council is discussed.

As you are aware, BATS are currently acting as the agents for Torbay Council to operate Brixham Theatre. Originally we also operated the Scala Hall for a brief while, until a re-assessment of the agreement, when it was decided that the Scala Hall was able to generate sufficient usage as to not really need additional voluntary support.

The Theatre operation has been a tremendous success, increasing greatly in usage and, perhaps more importantly, giving the people of Brixham back their theatre as a lively, thriving cultural centre, with a considerable increase in events of all art forms, both amateur and professional.

The agreement with Torbay Council is in effect until 1st April 2012. BATS were proposing to assess how this agreement has operated and sign to a new one for a longer period. This has now been suspended pending further outcomes.

Since the proposal for Brixham Town Council to take over the operation of 'Brixham Town Hall' we have been in limbo as to what exactly this meant for the Theatre and the rest of the complex.

There was a very poorly worded questionnaire circulated in the Brixham Signal, seeking Brixham residents views. There was no clear explanation of which areas of the complex BTC intended to run. Several press statements were made that confused matters even further, rumours circulated that BTC only wanted to operate on half the building and the Scala and the Theatre were not to be included in the deal, and the Library and Museum were exempt.

**An explanation of the proposal was published in the March issue of the Brixham Signal, consultation was put out in the May issue and the result were published in**

the July issue. The questionnaire was clearly worded and the areas were not mentioned as the words Brixham Town Hall are deemed to include all areas. BTC is not responsible for the content of press articles or for rumours. The library and museum are separate buildings and so were not named in the survey as they were not relevant.

To this date, BATS have had no meetings officially with BTC or been consulted in any manner as to how the Theatre operates or what agreement terms BATS would be seeking in the future. Therefore all calculations that BTC have made into the operation of Brixham Town Hall complex is purely their own conjecture and supposition.

All figures have been calculated from the figures supplied by Torbay Council. As an agent for Torbay BATS should request information from that source, it is not for BTC to advise Torbay Council agents of Torbay's considerations or decisions.

There are many areas of great concern that BATS have about the transfer of operation of the building to Brixham Town Council, which will also be raised at the BTC public meeting tonight (Thursday 22 Sept).

1. Cost to the Brixham ratepayers of the transfer of the Town Hall complex to BTC?

This was estimated and included as a question in the May survey on the BTC take over, delivered to every household.

At the moment the complex is subsidised by all ratepayers across Torbay, not just landed on the shoulders of Brixham precept payers. There have been no results issued of the questionnaire sent out to residents in the Brixham Signal so there has been no indication whatever how many residents responded and whether those that did were in favour of the change or not.

The results of the survey were published in the 'Signal' in July this year (page 5).

2. What are the correct costings and income of running the complex and how can BTC commit to taking something over without any idea of this?

BTC has investigated costs thoroughly over the last two years and Torbay Council officers have been very helpful in providing figures over this period and so can verify that proper investigation has taken place. Town Councillors have all been in receipt of a report on these figures and members of the asset management working party have studied them in close detail. The statement by BATS is not researched.

An article appeared in the Herald Express, with completely inaccurate figures. The Theatre does not contribute anything like the amounts stated, only about £4 - £4,500 a year in hirings.

**BTC is not responsible for articles in the press or the incorrect information contained within them.**

BATS is still trying to get to the bottom of the amount of hirings for the Theatre for 2009/10 to sort out the targets we are required to reach.

**BTC had this figure two years ago.**

3. How will BTC fund the cost of running the building?

At present only the Theatre and the Scala Hall are the cash cows contributing to the overheads. Brixham Does Care is on a peppercorn rent, Connections pays nothing, BTC offices - a minimal rent? and Youth Services - a minimal rent?

**BTC will have the income from the rented areas and also has a precept. All rents will be at market value, unless otherwise agreed with Torbay Council for select areas.**

**BTC does not pay a minimal rent but a full rental value.**

4. Commercial development of the building?

The article in the paper detailed BTC were planning to rent out the Connections office and other spaces at commercial rates.

Hasn't BTC seen how many empty shops and offices there are in town? It's completely unrealistic to think of getting the commercial rents quoted in the papers.

**Brixham is in fact very low on empty premises through the town and is experiencing an upturn. There has not been any commercial development proposed for the Town Hall, but there are potential users enquiring after space already – not commercial businesses but service providers.**

5. How is renting spaces out at commercial rates to businesses continuing the community use of the building?

**The Scala Hall and theatre will continue to be available for community use, as at present. Renting out office space is no different to that being offered by Torbay Council.**

6. There is a need for better and increased community use, not less i.e. possible development of the Youth Services area as a re-established entrance and link up to the Theatre main stairs and art gallery space and putting a Tourist Information

office at the back of it because of the coach drops outside, luring people up to the Bolton Cross end of town, so the tourist footfall is throughout the town, not just congregated around the harbour.

Jenny Harriman, artist and doyen is in support of the need for increased display space in the town. Torbay generally is very low in gallery space and this is an development topic that draws people to the Bay, as shown by the success of the Spanish Barn exhibitions.

It would also be possible to put in a cafe area so that people are encouraged to use the building more and have easier access on the ground floor for the disabled and mothers with young children.

Artistic innovation and development have been proven successful catalysts for regional and town development across the South West, specifically in St Ives Whilst Brixham is small, it does share many characteristics with this Cornish town and has, indeed, been described in national media as 'the second St Ives' because of the burgeoning number of artists in the town.

Following on from the fishing industry development, artistic encouragement has always been on the agenda for TDA and would be a second regeneration tool, aimed at the higher spending tourism sector, especially overseas visitors.

BATS mission statement has always been to develop Brixham Town Hall into a social and artistic community centre for the town, combined with the Museum and the Library, into a Cultural Corner.

BATS is not just concerned with running a theatre, but also eventually encouraging growth and development of other art forms and activities throughout Brixham. Art classes are very popular in Brixham and the growth of artist led holiday activities could be a real boost for the town.

The Town Hall would not be viable with all the areas mention used for arts space. While BTC recognises the need for arts space the need to make the Town Hall a sustainable entity for future generations of users is the main priority at this stage. This does not preclude exhibition space being provided in the future.

7. Chairman of BTC, Martyn Hodge, told the BATS Chairman, Andrew Baldrey, that BTC was planning on taking the theatre out of its existing space and moving it downstairs.

It should be obvious that the cost of this would preclude its happening, funds for such an enterprise are not available and it would be detrimental to the current layout and usage of the building.

This will scrap the proper use of the Scala for the markets, exhibitions, flat floor hire space etc, and negate all the work BATS has been doing for the past two years, building up the facilities in the theatre and establishing audiences.

The cost of refurbishing the Scala with retractable seating will be colossal. There are NO more ACE/Lottery grants for building development. The emphasis is on sport, the Olympics and programme development, not facilities and infrastructure.

**There is no intention to scrap the Scala Hall for use by markets or any other community use. This is taking comments out of context and misunderstanding what is being said. The concerns of some members of BATS are recognised but the above concerns are not based on truth. There are grants available for Town and village halls.**

To date, in just 18 months, BATS has invested many thousands of pounds in

- redecorating the Scala Hall,
- purchasing an exhibition gallery hanging system for the encouragement of artistic displays in the Scala,
- refurbished the Scala kitchen so a cafe can be operated during Market Days and for events,
- purchasing materials to be make the Theatre attractive as a conference venue
- completely rebuilding the technical operation control box at the back of the theatre
- (that used to be an old table perched on the back of seats)
- purchased display stands for both conference use and spreading the word of how the theatre is thriving nowadays.
- Investing in better marketing materials for all performances and usage of the Theatre in a regular brochure and posters.
- Researched publicity outlets and is starting to establish a cohesive marketing strategy
- Undertaken volunteer training and created an Operations Manual for the operation of the Theatre.
- Set up both a regular monthly Folk Club and a weekly Youth Theatre.
- Acting as mentors and advisors for several young people seeking careers in the cultural industries.

Future plans, before April 2012, include the division of the Theatre with curtaining, to create three flexible options on use of the space, with the possibility of having a Studio Theatre suitable for smaller scale events, and the purchase of a cinema screen, with plans for a Brixham Film Club.

All of this would be pointless if the Theatre is relocated and the Scale Hall scrapped.

The theatre is not to be relocated. BTC supports all innovative ideas for use of the theatre as a theatre and has supported BATs in their refurbishment works from the outset.

8. What is the truth in the talk of BTC wanting the Theatre space so they can have a Council Chamber to rival Torquay Town Hall and who will pay for the cost of this? Are BTC exceeding their brief as an authority/council and are seeking to become an alternative to Torbay Council in Brixham?

This is speculation and rumour. It has no substance in fact. BTC do not want the theatre space as a council chamber.

9. BATs currently have an agreement with TDA that all hiring money from the Theatre goes back to them. Even when BATs uses the building themselves they pay a hire fee for it.

The agreement is that 50% of the sum over the level of income achieved by Torbay Council through the theatre income would go back to BATs. This has not yet been achieved as far as we have been informed.

The only money BATs has to fund the above list of improvements to the facilities, market the theatre for all shows and bring in professional performance programmes is through their own fund raising of running a bar, raffles and items such as having stalls at the Old Quay once a year.

BATs are not looking to continue under the same financial arrangements in the future.

This is a matter for BATs to decide and not one BTC should comment on.

10. All BATs members working in the Theatre, whether on the Management Committee or as Stewards etc are volunteers.

In the original statements given to BATs by TDA, they were told that they would be covered by the Torbay Council insurance as employees, because they were acting as Council Agents in the operating the facilities.

There is now some doubt as to whether this is the case and many volunteers have dropped out until the matter is resolved.

As Torbay Council still owns the Town Hall and provide this level of cover this is not a reason for volunteers to leave BATs, if there is such a haemorrhage of members BATs should look elsewhere for the reason. BTC has a high level of

public liability insurance at the moment and would not ignore its responsibilities to users of the building over insurance or any other matters.

The Council's Insurance policy provides an indemnity to persons volunteering to assist the Council in the Business of Torbay Council, providing they are under the direct control and management of a Council Officer and adhere to the Council's volunteer policy.

The activities of BATS is described as "events of all art forms, both amateur and professional" and furthermore the wider activities which fall under the description of community use, all of which are not the business activities of Torbay Council. BATS will need to ensure they have the appropriate insurances to cover their legal liability for their activities as mentioned above. Failure to do so could result in personal liability attaching to individual members of BATS.

Torbay's Council's liability as owners of the building will respond to any actions which result in personal injury or damage to property where legal liability exists.

The Chairman of BTC, Martyn Hodge, is constantly demanding that the sound and lighting technicians working on the shows should be paid. He is currently the main Technical Manager for BATS, and several other local amateur companies and undertakes it voluntarily, because he states that he is the only person allowed by Torbay Council to use the equipment. We have been unable to get to the bottom of this statement but are seeking to do so in order to encourage other young people to get involved in technical operations, particularly in connection with South Devon College on a planned placement system.

Other people have used the sound and lighting equipment in the theatre, even for BATS presentations. Martyn Hodge has undertaken work for BATS on a voluntary basis as he has for many organisations for no remuneration. However BATS have now come to expect this support more often and it was pointed out that at some stage when the number of productions has increased the role would become too much for one volunteer. This statement that Cllr Hodge has demanded payment is a misunderstanding of the truth.

BATS volunteers undertake all the cleaning of the Theatre and surrounding facilities as there is no Hall Keeper support for the space any more. This was removed by Torbay Council, although they still retain all fees for use of the space.

This situation would remain as it is part of the existing agreement.

The Management Committee of BATS are working extremely hard, in some cases virtually on a full time basis, on the planning, promotion and operation of events. They have been fortunate that they have qualified and skilled professionals to help them do this on a free basis.

BTC has no intention of stopping BATS in their endeavours, nor has it doubted the calibre of its volunteers, with a retired Councillor being a past chairman and current president and the clerk having been a founding member of BATS.

If BTC take over the Town Hall complex who will be doing the operating of it?  
The Town Clerk?

The Town Council is a corporate body and as such it will manage the operating of it.

Will the Clerk need an increase in her salary level for increased responsibilities?  
Will there be paid salaries for the Caretaker and for technicians to operate the Theatre equipment? Where will the money come from to pay for this extra if the place is already running at a loss?

This is not an issue that should affect consideration of the transfer of the building.

The whole issue of the volunteers being used to run the Theatre as a community resource will be undermined and other people will also expect to be paid, or BTC will be left with the operation of a space they have no expertise or skills in.

BTC do not intend to operate the space in place of BATS, as has been stated all agreements in place would continue.

BATS has an internship already planned for a young German graduate for next summer. What will be the situation for her if BTC takes over the building?

BTC has no intention of interfering with the running of BATS and would not interfere with any internship that they have planned.

As already stated, BATS have had no information, other than rumour or ad hoc statements by the Chairman of BTC, as to the plans for the future, so the Town Clerk's statement that 'BTC plan to continue with the current management arrangements' is highly inaccurate.

The Town Clerk statement is entirely accurate and not founded on rumour. Some members of BATS have spoken to the clerk and are in support of the transfer.

BATS has grave doubts about the future of the Theatre outside the cultural support network of Torbay Council and would seek that this proposed transfer of the building to the control of Brixham Town Council be rejected.