# Stroud Sub -rooms - the process

The process undertaken by SDC in consideration of the future of the Sub Rooms is so flawed that the validity of any final decision that relies on this must be in question . I set out below some of the more obvious difficulties which arise from an examination of the published documents on the SDC web site ;-

1.The T&F group was delegated by the Strategy and Resources Committee in Oct 2016 to undertake a review of the financial sustainability of the Sub Rooms. It was identified as an asset review. The T&F group has conducted its business in camera .No agendas, minutes or reports have been published . It is clearly a **meeting** of the Council. Task and finish groups are referred to in the Constitution, this one has been given delegated authority to act by a committee of council, is composed of elected members, and has regularly taken decisions on the process to be followed , including reviewing bids and setting the criteria for assessment. It is not a pre -meeting ,nor an informal meeting. It has been supported by officers who have provided regular advice. It has not been compliant with the requirements for public access in accordance with Schedule 12 of the LGA 1972. The only published documents re the sub rooms review consist of the S&R report of Jan 2017 and a list of organisations who expressed an initial interest. This is the only a public record of work which has spanned over a year.

2. The Sub Rooms is a building within which a public service is provided - the provision of cultural and community activities. The terms of reference of S&R committee only extend to matters of finance and asset management. They have no remit or power to consider or recommend the reduction or alteration of a service . The Communities Committee has responsibility for cultural services and public spaces and is the decision making authority for whether a service is to be reduced ,changed or abandoned. Yet the Communities Committee have never received a written report on this matter and have neither discussed nor delegated their responsibility to the T&F group. The sub rooms has been considered solely as an asset and it is the S&R committee which has delegated the matter to the T&F group. This delegation is proscribed by their own powers. The T&F group have no independent ability to comment on how the service should be provided, and the S&R committee cannot make this decision either. Thus we have the possibility of the building being disposed of , but the Council retaining the responsibility to provide the service offered currently at the Sub Rooms. (Perhaps as an example it is easier to consider the proposed closure of a swimming pool and consequent site disposal. Of course an authority would think it should first consult on the closure of the service ,and only afterwards when a decision has been made on this, to consider sale of the site. In this instance the disposal of the site has been the main focus with very little public consultation with service users or stakeholders. on how the service might be affected.)

3. The recorded resolution of S&R in Jan 2017 was in three parts which are in summary -

a) to invite bids for the acquisition of freehold or leasehold interest in the **building** ( my emphasis) from a community or commercial organisation

b) to approve the consultation process

c) to report on the bids received and the consultation feedback.

On the basis of known information the Group has not complied with this . They have wrongly included the forecourt in the disposal; they have evaluated the bids and sought to make recommendations as opposed to simply reporting them; and they have failed to comply with the consultation plan. In fact there has been no consultation as set out in Appendix F of the January report to the S&R committee which said *“ Following the 6 week registration of interest period the Council would issue press releases on progress, hold drop in sessions ( plural) to explain options coming forward , what they will mean & gather feedback for assessment in the options appraisal”.*

The Chair of T&F said in September that she was not aware that the forecourt was to be included in the proposed sale. The sessions in April/May were information sessions before the bids had been received. John Bloxham has confirmed that SDC have never spoken to the Trust or invited them in for discussion or asked any questions about their bid. There have been no consultation events since then and the session on 18th November has been confirmed by the Project Officer in a recent letter to member of the public to be simply for information purposes, and is expressly not a consultation event.Thus in considering the bids and ( in wrongly making an appraisal and recommendation)there has been no meaningful public feedback ,and nor can there be at S&R on Dec. 5th. It is not planned for the report to be considered by the Communities Committee who are the only committee who can take decisions about a change in the service provision. S&R can only decide to dispose of the site - they cannot decide on anything pertaining to service provision.

4 The Ecotricity bid has been designated as a community rather than a commercial bid. As all documents are presently withheld from public scrutiny it is not possible to understand the basis for this judgement. However the bid assessment must be seen to be open and transparent , and there would need to be a very clear rationale for the disposal to a commercial organisation (where the intended use is expressed to be mainly for commercial use ), to be assessed as a community bid. This is because the recommendation is to sell the site for £300000, is 50% of market value .S123 LGA 1972 , supported by circular guidance 06/03 requires local authorities to obtain best value when disposing of an asset ( usually via an independent valuation or tested through market sale). Any disposal for less needs the consent of the Sec. of State unless the disposal either promotes or improves the economic/environmental/or social well-being of the community. The Ecotricity bid appears on face value to involve the significant closure of the resource to the public and a diminution of services rather than an enhancement.

**Conclusion**

Unfortunately SDC has undertaken a process where they have ignored the requirements for public access; ignored constitutional delegations; ignored committee delegations; failed to consult appropriately or at all on a significant change to a public service in contravention of their own decision.

There has been no constitutional decision to review the service or alter the provision provided at the Sub Rooms. There has been no decision to include the forecourt in the disposal. The process breaches the lawful requirement for openness and transparency in local government decision making, let alone accepted good practice. There appears to be no lawful justification for selling the building at less than best value to a commercial organisation which has explicitly stated that its bid involves a reduction in public access. We are all hampered by the lack of information and instead have been told just to “ wait and see”.

It is difficult to see how this decision could stand if it was challenged ,or in any way be defended by the administration. The most sensible decision for the Council would be to stay the process and urgently reassess the way forward.

What should have happened is an open review of service provision ( in the light of a strategic understanding of cultural issues across the District); a

series of options consulted on fully with service users and stakeholders; and a report prepared on possible changes which then might have involved consideration of what to do with the building. At that stage the role of the Sub Rooms could have been considered and whether it needed to be kept in public or private ownership. This has been a completely back to front process.

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