

Riverside Community Centre: Situation Report and Proposals for consideration and agreement by Full Council by the Riverside Community Centre Working Group following the offer from Wiltshire Council of terms to Malmesbury Town Council to take-over the lease of the Riverside Centre and Skatepark.

Wiltshire Council has communicated that it has taken a unilateral decision to seek to withdraw from its agreement to lease the building housing the Riverside Centre and Skate Park in Malmesbury at the earliest opportunity by exercising the break clause in the current lease. This would give a termination date of January 2026.

Malmesbury Town Council has expressed its concern about the fact of this decision, the lack of transparency and process followed by Wiltshire Council in making this decision and the huge damage that will be caused to our local community if the action of Wiltshire Council causes the Riverside to close. This is explained in our Council decision of the 24th July.

Wiltshire Council has so far refused to reconsider its decision. However, it has confirmed that it has not yet been given to the owner of the Riverside building to terminate the lease and this action is not required before May 2025. This is after the next Wiltshire Council elections on 1st May 2025. Regrettably Wiltshire Council has so far also refused Malmesbury Town Council's request to confirm it will not give notice to terminate the lease before May 2025.

The Friends of Riverside have confirmed that they not been engaged by Wiltshire Council in consultation about or planning for alternatives for the future of Riverside since the Council took its unilateral decision.

Wiltshire Council's current position, as stated by Council Leader Richard Clewer in his email reply to our concerns raised in July 2024:

In September 2023, Wiltshire Council's Asset Gateway Group considered a recommendation over the future of the lease and confirmed that service of a notice to terminate on 5th January 2026 was authorised. In making the decision, two actions were established firstly, discussions with the town council to see if they would be willing to step into our place and take a lease, and secondly discussions direct between occupiers and the landlord. At this point it should be recognised that no formal notice has been served by Wiltshire Council and the latest this can happen is in May 2025. Early in 2024 officers engaged with Cllr Grant as unitary councillor to establish the appetite of the town council to take on the facility, resulting in a working group being created. At the same time the willingness of Wiltshire Council's landlord to consider options was established. In April 2024, Wiltshire Council made an offer to the Town Council to take on the remainder of the lease. The offer included rent being covered to March 25, to enable the financial implications to be explored, and a payment to cover some identified works. The same offer was repeated in both May and twice in July. To date there has been no formal response to this offer. We would ask that the offer is given due consideration and engagement can take place to allow for the two community groups to continue to operate from the site.

In essence Malmesbury Town Council has been asked to take on the Riverside lease from March 2025, with Wiltshire Council continuing to pay the rent through to March 2025 and making a payment to cover 'some identified works', with the period to March 25 to enable the financial implications of taking on the lease to be explored. We have directly confirmed that the

property owner would consider Malmesbury Town Council as a tenant or potential purchaser of the building.

It is hard to describe Wiltshire Council's current offer to Malmesbury Town Council as other than fanciful. There is no logic in suggesting rent is only covered until March 2025 when Wiltshire Council is already committed to pay rent to January 2026, funding for all identified works and an indemnity are a minimum requirement and satisfactory negotiations for post January 2026 arrangements, (either a lease or purchase), would have to be concluded with the landlord before any transfer of liability to Malmesbury Town Council could be concluded.

It is obvious that a decision by Malmesbury Town Council to take on the Riverside would be a major undertaking. Its current rent, in the region of £32,000, would represent 6.00% of the current Town Council precept. Other capital and revenue costs are currently speculative. There could be significant works to undertake. We may require an independent survey. There are big questions about how it would be operated and developed into the future, including whether it continues as a turnkey third party operated service or becomes more like a town hall type operation, or a hybrid. The future of the skatepark and the use of this space into the future also requires consideration. We would obviously want to engage fully with the Friends of Riverside and the Skatepark Team in this process. In particular the performance of the Friends of Riverside has been remarkable and rightly recognised by the award of the Queen's Award for Voluntary Service in 2019. This exercise will require significant officer support and or spend on additional professional support.

On both the above counts the Working Group recommends that Malmesbury Town Council should require a significantly improved offer from Wiltshire Council as a basis for entering into the discussions proposed by Wiltshire Council. This should include a commitment to pay rent until at least January 2026, funding for reasonable investigation and legal fees likely to be incurred by Malmesbury Town Council in progressing the transaction, and a commitment to make good on all reasonable works that may be required before the transaction or current lease completes .

Meanwhile, it is also the Working Group's view that strategically the current Riverside type of community facility is essential in the area it is currently located. It is the closest current community facility to the recent significant development on the north of the town and will be the closest community facility serving the approved new development around the northern and western outskirts, which will meet all of Malmesbury's housing requirements in the Local Plan period to 2038 within the next 3 years. In other words, it is our strongly held view these developments would require a Riverside if there wasn't already one. Funding for such a resource by Wiltshire Council is a fraction of the multi-million pound CiL and increased annual Council Tax receipts that will be generated for Wiltshire Council by these developments. This means there is, fundamentally, no substantial reason for this decision by Wiltshire Council. In our view it is more likely a properly structured strategic review would lead to a decision by Wiltshire Council to either, (a) extend the current arrangement on the current terms, or (b) replace the current leasing arrangement with the purchase of the current building, or (c) replace the current building with a new purpose built facility, all under the management and continued funding of Wiltshire Council or in a properly structured partnership with Malmesbury Town Council. Unfortunately none of this work appears to have been done by Wiltshire Council.

Based on the above the Working Party has formed the view that Wiltshire Council:

- (i) Has not engaged in effective community based decision making.

- (ii) Has not made a financial offer to Malmesbury Town Council to take over the Riverside from Wiltshire Council that is an adequate basis to open negotiations.
- (iii) Has not made a strategic cost benefit based case for Wiltshire Council not continuing to operate the Riverside in its current form or an improved form either currently or taking account of the committed development in Malmesbury in the Local Plan period to 2038.
- (iv) Has not considered the most efficient way to deliver a Riverside type resource in Malmesbury while minimising the overall costs to Wiltshire Council Tax residents, either paid as precept to Malmesbury Town Council or as Council Tax to Wiltshire Council.

Recommendation and Proposal:

The Riverside Community Centre Working Group requests that Council agrees that it may respond to the offer made by Wiltshire Council for Malmesbury Town Council to take over the lease of the Riverside by:

- (i) Emphasising again the request from Malmesbury Town Council that Wiltshire Council immediately reverses its decision to progress an early termination of the Riverside lease.
- (ii) Restates its view that no such decision can be taken by Wiltshire Council without a strategic cost benefit analysis of community infrastructure requirements in Malmesbury taking account of already approved and expected housing development in the next Local Plan period to 2038.
- (iii) Explaining the current offer is not adequate and outlining the improvements required to make it an adequate basis on which to progress discussions, including a commitment by Wiltshire Council not to give notice to terminate its lease on the Riverside before the end of May 2025.
- (iv) Developing the Town Council's understanding of the CIL payments and likely Council Tax yield to Wiltshire Council on the occupation of new houses under construction or where planning permission has already been approved in the Malmesbury Town Council area; these figures are set out in the Wiltshire Council's Medium Term Financial Strategy.

Riverside Community Centre Working Group

1st October 2024