

# Birmingham City Council

## Report to Cabinet

29 October 2019



**Subject:** Moseley Road Baths

**Report of:** Acting Director - Neighbourhoods

**Relevant Cabinet Member:** Councillor Ian Ward , The Leader of the Council  
Councillor Tristan Chatfield, Cabinet Member for Finance and Resources

**Relevant O &S Chair(s):** Councillor Mariam Khan – Commonwealth Games, Culture and Physical Activity  
Councillor Tahir Ali – Economy and Skills  
Councillor Sir Albert Bore – Resources

**Report author:** Dave Wagg – Leisure Projects & Client Manager

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Sparkbrook		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: 006915/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential : Not Applicable		

### 1 Executive Summary

- 1.1 To inform Cabinet of the successful impact of the partnership between the Council, the National Trust, Moseley Road Baths CIO, Historic England, the World Monuments Fund and Civic (the 'Coalition') to maintaining an important community asset and internationally significant heritage site and to determining a viable future for Moseley Road Baths in Balsall Heath.
- 1.2 To obtain approval for a maintenance/repair budget at a total of £0.130m for 2019/20 to support Moseley Road Baths.

- 1.3 To note that budget requirements to secure the long term future of the site will be fed into the 2020/21+ budget setting process for consideration alongside other council priorities.
- 1.4 To raise awareness of work being progressed by the partners to come up with a preferred capital and business model that will be presented to Cabinet at a future date.

## **2 Recommendations**

- 2.1 Approves the Council allocating a total of £0.13m in 2019/20 from the Policy Contingency Budget to maintenance and repair work at Moseley Road Baths in line with the Council's commitment to retain maintenance responsibility and liability for the Baths under the three year License to Operate granted to the Moseley Road Baths CIO.
- 2.2 Notes that future budget allocations, on a sliding scale have been included within the Directorate's budget proposals, policy priorities and budget savings submitted in July 2019 for consideration within the Council's 2021/21+ budget setting process.
- 2.3 Notes that a masterplan will be presented to Cabinet during the current financial year setting out a vision and outline proposals for a sustainable future for the Baths. The plan will include financial, spatial and operational appraisals as well as considerations around timescales and funding requirements.

## **3 Background**

- 3.1 A report to Cabinet by the Corporate Director – Place in March 2018 received approval for the execution of a License to Operate with Moseley Road Baths CIO for a period of three years to ensure the continuation of a community swimming offer. Cabinet agreed that the Council would retain maintenance responsibility and liability for the Baths during this time, and allocated £0.100m budget in year one against this obligation. It also noted the need for further financial resource to be identified for the remainder of the License term.
- 3.2 The License to Operate was agreed with Moseley Road Baths CIO (registered charity no. 1176432) in June 2018.
- 3.3 Since the previous Cabinet report, Officers have worked closely with the CIO, National Trust and Historic England to undertake conservation-led work to the building, supporting the specification, procurement and delivery. These works are starting to address major, long-standing maintenance/repair needs within the Grade II\* building, but are also enabling the community swimming facility to remain open for local schools and the wider population of Balsall Heath.
- 3.4 The Council allocated £0.100m from its budget in 2018/19 towards Moseley Road Baths. This has levered-in a further £1.100m and significant in-kind support from the 'coalition' of organisations supporting the Baths.

3.5 Firmly grounded in collaborative working and co-investment, and focused on keeping the pool open for public swimming, repairing the Grade II\* Listed building, and scoping a sustainable reuse of the Baths, this £1.200m includes:

- £0.100m from the Council for operational and building maintenance, a proportion of which was used as match funding for £0.100m from the World Monuments Fund for building repair.
- £0.659m from Historic England to repair the Gala Pool roof matched by £0.100m from the Council.
- £0.074m *Resilient Heritage* grant from the National Lottery Heritage Fund to support the operational development of the CIO.
- £0.300m from the National Trust to lead the development of a conservation-led cyclical maintenance schedule for the building and draw up a business plan for the potential future redevelopment of the Baths.
- £0.025m from Arts Council England via the National Trust to produce an artistic installation/programme in the Gala Pool post-restoration, testing potential opportunities for the future (or meanwhile) at the Baths and to serve as a focus for publicity.

3.6 In partnership, the Council has helped deliver significant impact for Balsall Heath and the Baths since the Cabinet decision in March 2018. In the past year, collective investment and expertise has already addressed a number of the commitments set out in the 2018 Cabinet report, successfully:

- **Avoiding closure of the building**, and associated mothballing (£5m) or closure costs and associated negative impacts locally and reputationally.
- **Maintaining local community swimming facilities** through transfer of public swimming in June 2018 from the City to the newly established CIO. Having secured grant funding to build its operation, the CIO now have 45+ active volunteers from the local community helping to run the pool (including 17 lifeguards and 6 first aiders, trained by the CIO), growing swimming numbers and a full public programme including a very popular women only and candlelight sessions.
- The award of the contract of the **Gala Pool roof restoration scheme**, in conjunction with Historic England. Restoration of the roof is now underway on site and is due to be completed by the end of 2019. This will be an important step towards removing this facility from the Heritage at Risk Register and opening up more of the building for public benefit.

- Establishing a costed **annual maintenance plan** based on current operational use of the building and statutory compliance responsibilities, the requirements of which are being delivered through the Coalition drawing on building conservation expertise from within the Council and its Partners.
- Drawing up a detailed **long term repair and maintenance plan** for the building to determine priority works to the listed building and guide the way the building is repaired to ensure this is cost effective and reasonable. This work has been based on condition surveys previously commissioned by the Council and recent surveys to assess the major structural and fabric repair works which will be required to arrest further decline.
- Creating a **clear vision** for the Baths focusing on **health and wellbeing** and the principle of involving and benefitting local being.
- Delivering a **spatial feasibility** for adapting and reimagining the Baths in order to support viable and sustainable uses. This is supported by a consolidated **conservation management plan** to guide the approach to repair and reuse.
- Developing a **masterplan / business plan** for the Baths that plays to its unique and remarkable qualities, embeds it within the leisure and cultural landscape of the City, and shows the potential for sustainable long-term development of the building and enterprise uses.
- Exploring **funding opportunities** for capital development, including early plans for a fundraising briefing breakfast in September 2019 hosted by Councillor Ian Ward.
- Creating the beginnings of a diverse **cultural programme** at the Baths, through creative commissions with artists such as *Women in Theatre* (March 2019) and *Juneau Projects* (to be delivered in the newly restored Gala Pool in 2020 with funding through the National Trust / Arts Council England *Trust New Art* programme) providing contemporary artistic responses to the spaces and inviting participation from local people.

3.7 However, the building is still in decline. A high level survey undertaken by the conservation architects appointed by the Council, Donald Insall Associates in 2018 estimated that the cost to make the building wind and watertight was c£2m. A recent review as part of the long term repair plan, has shown that the condition of high level sections of the building (slate, flashings etc) has worsened, and is likely to accelerate decline.

3.8 Maintaining the plant and interior of the building also requires close management and money. The boilers, now over 25 years old, have undergone significant repairs in the past year, following breakdowns which led to temporary closures of

the pool. Whilst there is a long term need to replace infrastructure within the building, the maintenance budget has been vital in maintaining business continuity and, in combination with additional external funding, can start to reverse the damage done by previous work and lack of investment.

- 3.9 Major investment into the restoration of the Gala Pool (£0.759km) needs to be safeguarded. Further conservation work will contribute towards care for this internationally significant building, keeping it open and in public use.
- 3.10 During 2019/20, a series of repair works identified within the application for the World Monuments Fund grant needs to be implemented to avoid withdrawal of this funding. This should start to address some of the most urgent works.
- 3.11 Officers continue to work with the wider coalition to support the swimming operation, implement work on the Gala Pool, and complete the development of a masterplan for Moseley Road Baths. Ongoing investment from the Council will help to maintain momentum within the Coalition and support the CIO to continue delivering swimming provision within Balsall Heath.
- 3.12 The emerging masterplan will provide a business case for the restoration and development of the Baths for the benefit of the community in Balsall Heath and the wider City. At the heart of the vision is a commitment to health, wellbeing and local economic development, taken forward with and for the community. Early indications from this study are starting to show that with a major capital scheme and astute business development, the Baths could become a vibrant and thriving enterprise hosting 'the finest pool in Britain'. Plans will be shared with the Council later this year.

#### **4 Options considered and Recommended Proposal**

- 4.1 The evaluation of options to close the Baths has been documented in the 2017 and 2018 Cabinet reports.
- 4.2 In light of the Council's incumbent commitment to maintain support/liability for the Baths, there are two options:
- 4.3 **Withdraw further financial support** – given the degree of deterioration to the building and equipment as a result of lack of investment to date, withdrawal of the Council's financial input around basic maintenance/remedial work is highly likely to mean that plant failure or building issues would severely compromise the operation or lead to closure of the building and collapse of the swimming operation. In addition, without attending to compliance works the Council / CIO would also be in breach of legal obligations. Ultimately, the Council would need to close / mothball the building. There would be significant reputational damage and impact on the partnerships created through the project.
- 4.4 **Reduce financial support** – any reduction on the proposed funding would put significant pressure on the Council, CIO and wider coalition to maintain business as usual at the Baths. The building is already in need of significant investment in

fundamental fabric repairs, so reductions in funding will only lead to further degradation.

As a key partner within the coalition, a reduced contribution would send a poor signal to partners and potential future funders about the Council's commitment to one of its most important buildings.

**4.5 Support for term of Licence** – Financial support as detailed within this report to allow continuation of swimming at the Baths and further restoration of the building. Support for further years (2020/21 onwards) will be fed into the Budget Planning process to be considered against other identified priorities and considered on a sliding scale of investment.

**4.6 Support for term of licence (4.5) is the preferred option.**

## **5 Consultation**

5.1 The Leader and Acting Director for Neighbourhoods have been kept informed on the issues relating to the Baths and consultation is ongoing. Officers from Sport, Property, Communities, Procurement, Finance, Planning and Conservation have had input into the contents of this report and agree with the decisions recommended.

5.2 The Coalition Partners – The National Trust, Historic England, the World Monuments Fund, Moseley Road Baths CIO and Civic) have been consulted on the contents of this report and have been instrumental in shaping plans for the future of the building.

5.3 The community in Balsall Heath have been consulted extensively on the future of Moseley Road Baths to test different ideas and activities; to identify potential opportunities/interest amongst local and national entrepreneurs; to engage other building owners and operators to build a neighbourhood-wide view approach.

## **6 Risk Management**

6.1 A full Maintenance Plan including risks and issues log has been developed by the Coalition in order to prioritise the work required in order to keep the building operational and to bring back into full operation in the most economic and effective manner.

6.2 The risks of not supporting this proposal include, the historical significance of the building, the previous cabinet decisions of 2017 and 2018 and the Council's commitment to swimming at Moseley Road Baths being part of the sporting and cultural activity around the Commonwealth Games.

## **7 Compliance Issues:**

7.1 The recommended decisions within this report are aligned with the Council's strategic approaches and corporate priorities and outcomes. The City Council has adopted a Council Plan which sets out five key outcomes. These outcomes are

supported by clear priorities which if delivered make a positive difference every day to people's lives.

The continuing operation of Moseley Road Baths impacts positively on the Council's outcomes of an aspirational City to grow up in and a fulfilling City to age well in. It offers community swimming provision in the heart of Balsall Heath and a means of promoting an active lifestyle to local residents and school children. It is a credible (and potentially catalytic) component within a wider heritage corridor along the A435, stimulating confidence and allowing time to better explore and test future economic use. The project is providing opportunities for skills development through volunteering, training and apprenticeships.

The Baths is an example within the City of a potential model for heritage preservation. The continued operation and future restoration of this internationally significant building will have a positive impact on the City's profile nationally and internationally with the potential to support the City's growing reputation as tourist destination.

## **7.2 Legal Implications**

- 7.2.1 Under section 19 of the Local Government Act (Miscellaneous Provisions) 1976, the Council has the power to provide such recreational facilities as it thinks fit in its area and under Section 111 of the Local Government Act 1972, the Council may do anything which is incidental to the discharge of any of its functions.
- 7.2.2 Under the general power of competence per Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.
- 7.2.3 The requirements of the Data Protection Act 2018 and The Human Rights Act 1998 have been taken into consideration in terms of the processing, management and sharing of data involved in these proposals.

## **7.3 Financial Implications**

- 7.3.1 In order to meet its obligation for the ongoing maintenance of and liability for the Baths during the remaining two years of the License to Operate, the Council requires £0.130m in 2019/20 and £0.100m in 2020/21, which will be required to undertake statutory compliance tasks, to maintain the building for its current operational use, and to support urgent repairs to the building in order to keep it functional.
- 7.3.2 £0.130m has been identified within the General Policy Contingency to address the obligation in 2019/20.
- 7.3.3 The future budget requirement, £0.100m will be fed into the Budget Planning process for 2020/21+ to be considered against other identified priorities.

- 7.3.4 Policy Contingency funding of £0.130m will enable the City Council to fulfil its commitment in collaboration with the Partner Organisations to maintain this community asset in 2019/20.
- 7.3.5 The current obligation for the ongoing maintenance is reflected as an overspend, as detailed in the June 2019 Financial Monitoring Cabinet Report, presented in July 2019.
- 7.3.6 In 2018, a plan was produced in conjunction with the National Trust estimating the annual cyclical and routine compliance work required at the Baths. Although insufficient to complete the estimated £0.287m works required in year 1 of the maintenance plan, £0.100m was allocated in 2018/19. Of this, £0.060m was used to manage compliance/statutory tasks and a further £0.040m allocated to maintenance and remedial repairs to the Grade II\* Listed Building.
- 7.3.7 The maintenance plan demonstrates the need for a minimum additional £0.100m per year to maintain the basic cyclical and compliance works given the current condition of the building. The long-term business plan for the Baths will help determine next steps for restoration and development of the building beyond the current License to Operate.
- 7.3.8 The budget set aside by the Council is leveraging-in significant financial and specialist resources from Historic England, the National Trust, the MRB CIO and World Monuments Fund to support the building and help safeguard its future.

#### **7.4 Procurement Implications (if required)**

- 7.4.1 There are no procurement implications for the decisions recommended by this report

#### **7.5 Public Sector Equality Duty**

- 7.5.1 A copy of the Equality Act 2010 – Public Sector Duty statement and equality assessment screening including Moseley Road Pool can be found within the Leisure Transformation’s Cabinet Report of 16th December 2013.
- 7.5.2 For the purposes of this report a further Equality Assessment has been undertaken (August 2019 – Reference EQUA356). This initial assessment found that a full impact assessment was not required.

### **8 Background Documents**

- 8.1 Cabinet Report – Options for the future of Moseley Road Pool – 27<sup>th</sup> June 2017
- 8.2 Cabinet Report – Moseley Road Baths – 6<sup>th</sup> March 2018

### **Appendices**

1. Equality Assessment
2. Equality Act 2010 – Public Sector Duty statement
3. Risk Assessment