

meeting COUNTY COUNCIL

date 30<sup>th</sup> June 2011

agenda item number **19**

## REPORT OF THE LEADER OF THE COUNCIL

## REPORT TO THE TRUSTEES OF ROBIN HOOD THEATRE COMPANY

### Purpose

- 1 To seek the approval of the Trustees to discharge their duties and agree to the instatement of Robin Hood Theatre Ltd (a registered Charity) as sole trustees.

### Historical Background 1913 - 2006

2. The origins of the Robin Hood Theatre lie in the theatrical enthusiasm of the Reverend Joseph Walker, Rector of Averham. In 1913 he built a wooden auditorium behind his stables. The Rector ran the theatre until his death in 1941. The building closed in 1951 until it was 'rediscovered' in 1961. A successful public campaign, led by local thespians sought to restore the building and building was bought from its owners, the Southwell Diocese for £1,000.
3. The newly formed company presented a programme of amateur productions, and provided a venue where drama schools and semi-professional companies performed. In 1980, the 3 original trustees wished to retire and asked the County Council to take responsibility for the trust and become the sole trustee. The theatre continued with a programme of amateur productions with the day to day administration overseen by a management committee.
4. In 1997, the Trust began an ambitious programme of capital redevelopment to provide a separate studio theatre and improve backstage facilities. Thus began a complicated 5 year story of funding applications several different advisors/consultants and three different architects. As work progressed problems emerged with the existing fabric, including the heating and electrical systems.
5. Construction work began in 2002, funded by grants from ACE and EMDA, but rapidly ran into financial and other difficulties. The

Management Committee negotiated a £50,000 loan from the County Council to cover the shortfall and smaller grants were secured from charitable foundations. However continuing financial problems resulted in the suspension of the building project. Today, a large addition has been made to the north of the original structure, but remains a shell used for storage and requiring substantial further investment to make it functional.

6. Throughout this time the theatre received annual grant aid funding of £12,000pa from the County Council together with accounting support and emergency repairs the heating system and roof. In 2006 the theatre was visited by the new head of the County Council's Arts Service. Serious concerns were raised with respect to the condition of the building, the financial situation of the organisation and the impact of potential liability issues on the County Council, as Trustees. A working group of officers and members was drawn together to address the concerns and immediately commissioned a series of property surveys including: general building fabric, heating and electrical installation, legionella and fire risk assessment and safety; asbestos report, a Disability Access Survey, full Periodic Electrical Test and an inspection and test of stage lighting equipment.
7. The surveys identified serious problems and recommended immediate closure of the building on Health & Safety grounds. The reports identified particular problems with relation to fire protection. Some related to management procedures but others, such as installation of an automatic fire alarm, upgrading of escape routes and improvements to the wiring system, required substantial capital investment. Further substantial work was identified in relation to asbestos removal, the electrical system and provision for access by disabled people. The estimated cost of the repairs needed was in excess of £280,000 did not include any improvements identified by the electrical and stage lighting tests, nor completion of the shell of the new building. In line with the recommendations and the potential risks the building was closed in December 2006 and remains closed to the present day.

## **Solutions**

8. The Trust itself has no funds to address the problems identified with the building surveys. The only asset of the trust is the building and it has no income apart from ticket income from productions.
9. Since 2006 officers from the County Council have investigated options, undertaking a range of public consultation, researching funding possibilities and working with a group of local people to identify options. However, no sustainable new business model was identified which could raise the funds needed to restore the building.
10. During this time members of the acting group have continued to mount productions in village halls in the district and held firm to the belief that one day they would return to play at the theatre. To this end they have formed a new limited company registered with the Charity Commissioners. They have worked together with the local community

and Parish Council to create a plan to reopen the theatre using voluntary labour and local sponsorship.

11. To enable the new enterprise to flourish the often confused lines of responsibility and the dual role of the County Council (as trustee and local authority) needs to be clarified. It is also necessary to address the position of unlimited liability in which the County Council as Trustees currently sits. A transfer of trusteeship to the new limited company would address both issues.
12. A new independently led trust would be better placed to forge new relationships with respect to sponsorship and voluntary labour, often difficult when an organisation is seen to be an extension of local government. It would also provide a seamless framework to mobilise the enthusiasm and skills of the performing company with the management of the building. The new company directors are optimistic they can accomplish a managed renovation programme with skilled voluntary labour, enabling them to reopen the building.
13. The new company have shared their plans locally with both residents and the Parish Council. The Parish Council has undertaken consultation with the local community which showed a majority of the residents were in favour of the new direction and management of the theatre.

### **Recommendation**

14. It is recommended that an application is made to the Charity Commission to appoint Robin Hood Theatre Company Limited as new trustees and discharge Nottinghamshire County Council from its duties as trustees.

**COUNCILLOR MRS KAY CUTTS**  
**Leader of the Council**

### **Comments of the Service Director Finance (P.B 21-06-2011)**

15. As indicated in the report by discharging the authorities duties as trustees it will address the position of unlimited liability to the County Council.

### **Legal Comments (SLB 20/06/2011)**

16. County Council, in its capacity as trustee, has authority to consider the matters set out in this report.

### **Electoral division(s) affected**

19. All

**Background Papers – None**

