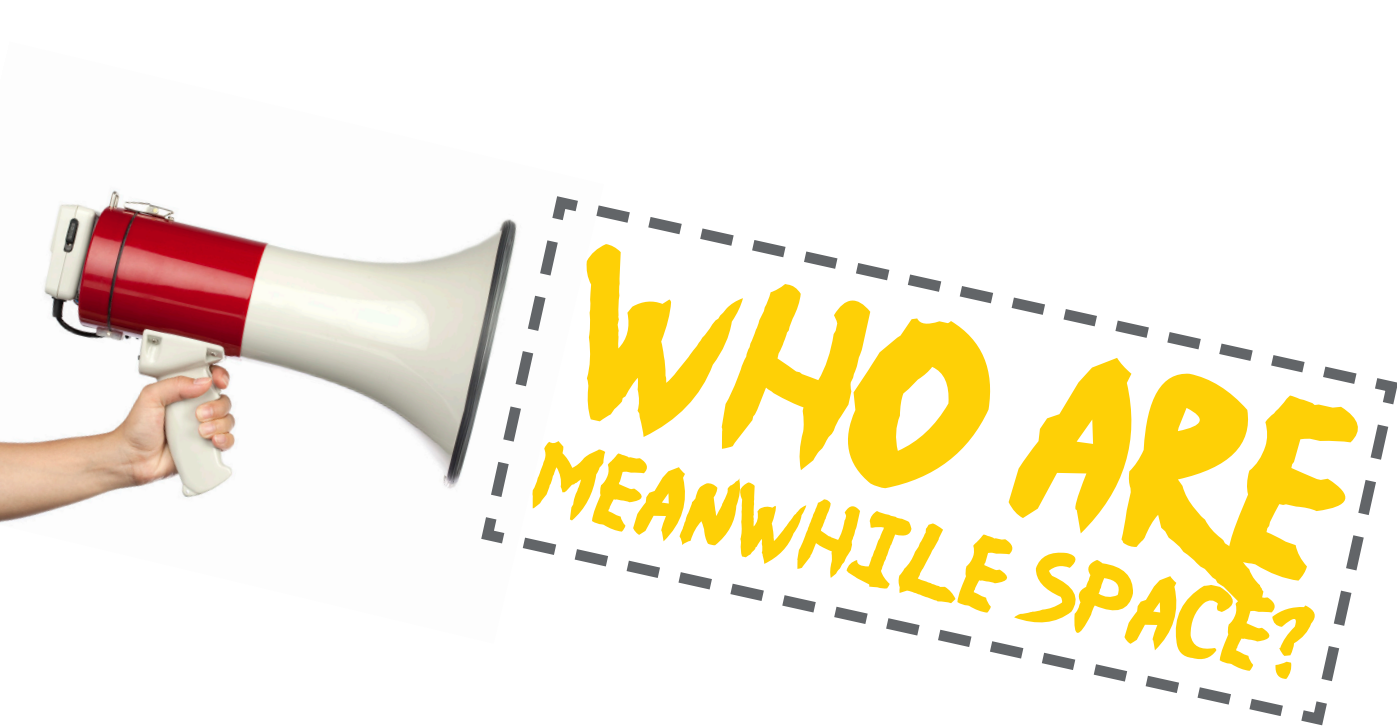


**A HANDBOOK
FOR INTERMEDIARY
LEASEHOLDERS OF
TEMPORARY SPACES
THAT CAN BENEFIT THE
COMMUNITY**





WHO ARE MEANWHILE SPACE?

Meanwhile Space are a CIC set up in 2009 to enable community uses of vacant property and sites. We work to find and reveal meanwhile opportunities and collaborate with stakeholders to deliver these goals. We often work at a high end on collective strategies across councils or at a place-based level on specific interventions as well as at ground level to create and maintain networks. Put simply, we advise on the processes of meanwhile activity and can either deliver projects or work with others to do so.

Meanwhile Space works with landlords, landowners, developers and local authorities to relieve them temporarily of liabilities (insurance, rates, security etc) associated with holding redundant shops, offices, cleared land etc. whilst an appropriate commercial solution is being sought. By working with local communities and other stakeholders, interim or 'Meanwhile,' uses are deployed to reanimate the space and provide opportunities for community benefit and social enterprise.

The CIC is the delivery arm of the Meanwhile Project. The aim of the project is to boost community uses of empty properties in town centres. The project is led by the Development Trusts Association on behalf Communities and Local Government. The project has built a 'library' of ideas and information as a resource to make it easier for both the landlord and the project sides to realise Meanwhile opportunities, including the Meanwhile Manual, Lease and Insurance policies.

www.meanwhilespace.com
www.meanwhile.org.uk
www.meanwhilespace.ning.com

SO YOU'RE THINKING OF BECOMING A MEANWHILE INTERMEDIARY LANDLORD?

Something exciting is happening on the high street. In **Hastings** and **Camden**, **Dover** and **Carlisle**, in rural settings and all over **London**, vacant shops and warehouses are being transformed into creative spaces. Thanks to innovative work by artists and social entrepreneurs, often with support from local authorities, the public is being invited to enjoy and be part of diverse city centres that offer more than just retail therapy and coffee chains. Temporary galleries, music events and cultural displays provide unique opportunities for people of all backgrounds to engage with their community and their environment.

Meanwhile intermediaries play a critical role in allowing these types of projects to happen. They facilitate strong, collaborative partnerships between the landlords with temporary spaces available for use and the people with the ideas to fill those spaces, by providing legal and administrative support and relationship management expertise.

BACKGROUND TO THIS HANDBOOK

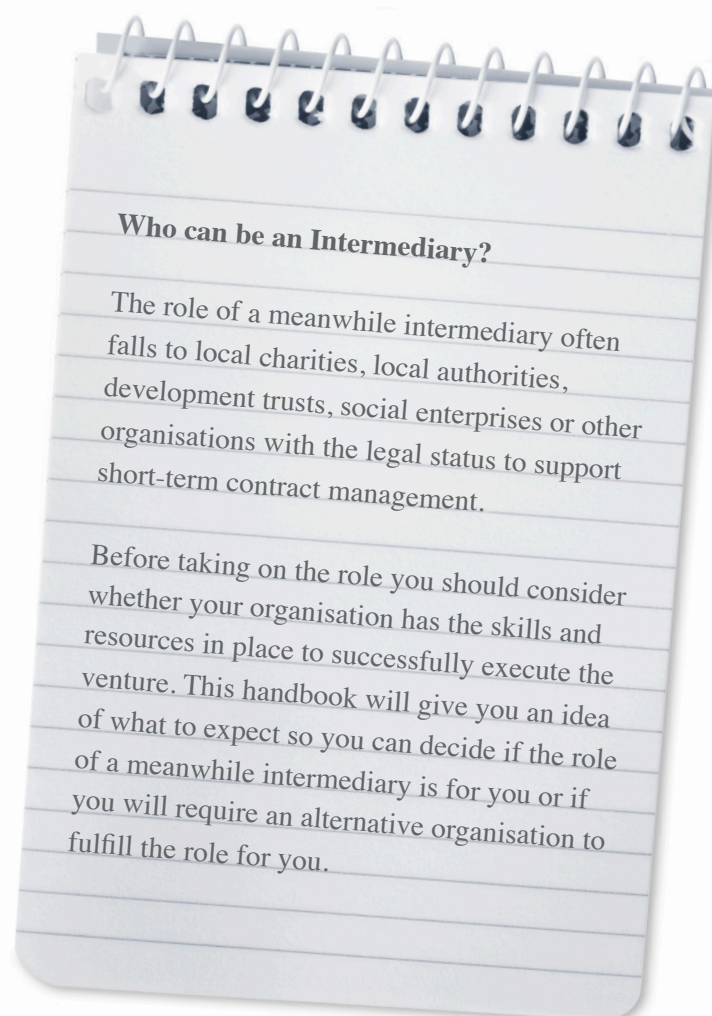


In 2009, Emily Miller and Eddie Bridgeman of Meanwhile Space CIC – an organisation to enable temporary uses of vacant property and sites – took on the role of intermediary for the NOMAD project in Hastings, England. The building that was temporarily transformed into a creative space was a former building society and real estate agent office; probably the most prominent building in the town centre. The owners of the café next door had bought the building freehold and wanted a meanwhile use for the space to cover costs and start to attract people to the area.

As part of the Meanwhile Project, an initiative led by the Development Trusts Association to support temporary community uses of empty shops, Meanwhile Space CIC facilitated a relationship between the café landlords and a group of users, previously unknown to each other, to produce a ‘Creative and Environmental Hub’. The users work together on unique and collaborative projects emerge and run the Meanwhile Centre to promote and develop other projects in the town.

The Meanwhile Project wants to share the knowledge from the Nomad Project so that future work can benefit from (and hopefully build on) their findings. The role of meanwhile intermediary is a rewarding one, but can also be difficult - it is uncharted territory and you can expect the troubles that come with managing any relationship.

This handbook is a collection of Meanwhile Space CIC’s experiences with Nomad, and guidance to help you in your work as an intermediary. Adding to the community of knowledge by submitting feedback on your experiences with meanwhile projects will help to inspire communities elsewhere to make the most of their vacant spaces, capitalise on potential and maximise the use of resources.



Who can be an Intermediary?

The role of a meanwhile intermediary often falls to local charities, local authorities, development trusts, social enterprises or other organisations with the legal status to support short-term contract management.

Before taking on the role you should consider whether your organisation has the skills and resources in place to successfully execute the venture. This handbook will give you an idea of what to expect so you can decide if the role of a meanwhile intermediary is for you or if you will require an alternative organisation to fulfill the role for you.

THE INTERMEDIARY

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The Intermediary

The intermediary manages the relationship between the landlord and the participants (the people with the idea to fill the landlord’s property) on a meanwhile project. They enable a vacant property or site to be utilised safely and to its full potential by providing the legal and contractual support to free the landlord from day-to-day administration and protect them should anything go wrong, and the framework for the participants to create a project that will benefit the community and other stakeholders.

The principles

A great project will be underpinned by good relationships between the landlord, the participants and the intermediary. A clear understanding of the roles of each party, and just the right amount of rules to create a safe space for everyone involved is the first step.

You might consider the landlord as the provider of the space, the participants as the leaders in how to use the space, and the intermediary as the enabler, allowing the space to be used in a way that works for everyone.

Like most projects involving multiple stakeholders, the success of a meanwhile project is dependent on the relationships between the groups involved. Each party has a responsibility to play their part in creating a trusting, mutual relationship. You may wish to use a facilitator to help you work with the participants (and sometimes the landlord) as the project gets off the ground and to help agree the rules for the project together. This will help generate buy-in, encouraging each party to take responsibility for their part in creating a great project.

PREPARING THE GROUND

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Preparing the ground – establishing the project

A meanwhile project may start when a group or an individual approaches a landlord with an idea for using a vacant space that they have seen. Or, a landlord or local authority may invite proposals for space that they have available.

In either case, setting things up well at the start will make things easier later on. In short: find a space that seems right for you and the project, be clear about everyone's expectations, and put things in writing.

Choosing a space

Make it easy for yourself. Go with spaces that you know can work - the quick wins. Check with the local planning authority that the space can be used for what you have in mind.

Find out what the landlord wants from the project. Why are they providing the space? What do they expect? While the landlord may simply be looking to cover their costs during a period that their space cannot be used commercially, they will often be pleased to create something of interest for the community. They may see an opportunity to test an alternative use for the space, develop good public relations, or build rapport with the council. They will always, of course, be concerned with practicalities like the guarantee that their space will be returned to them in good condition.

At its most basic, understanding the landlord's needs and wants will help you choose an appropriate use for the space and guide the way you manage the agreement and the participant. A broader impact of good engagement is that you will be demonstrating the mutual benefits of short-term uses of spaces, which will encourage others to follow.

To start the conversation with a landlord about their expectations, you may like to ask:

- Do you have any reservations about this project?
- What will this space be used for in the future? How far away is this?
- How may we use the space?
- What can be changed? What must stay the same?

ESTABLISHING
RELATIONSHIPS:
WITH THE
LANDLORD



You may prefer to draw up a meanwhile lease that is specific to your project. This will usually create a shorter document, as a generic document will generally include extra content to ensure everyone is covered.

Renew Newcastle in Australia (www.renewnewcastle.org) created a tailored license by sitting down with the landlord and a lawyer and discussing a solution and structure that was specific to their work. The result is a light and simple, easy to use document.

In the UK, however, licences can only be used for projects that will definitely not exceed six months. After this time the Landlord and Tenant Act 1954 kicks in and can give unintentional rights to participants.

Formalising your relationship with the landlord – the Meanwhile Lease

Formalise the agreement with the landlord with a Meanwhile Lease. Communities and Local Government (CLG) commissioned Denton Wilde Sapte to produce three versions of a Meanwhile Lease: direct tenant-landlord lease, intermediary lease and sublease. These documents are available for general use; please use it if you wish.

We would be grateful for any feedback about your experiences of using different kinds of meanwhile leases and agreements.

The documents discussed in this handbook are all included here as appendices, and electronic versions are available from the Meanwhile Project website (www.meanwhile.org.uk). The template shouldn't need amending via a solicitor (there are, of course, places to fill out details pertinent to your project), but feel free to do so, particularly if there are any additional requests from the landlord either of you would like to capture in a legal agreement.

GETTING YOUR
LEASE
IN ORDER IS
IMPORTANT



Exclusion of tenure

The Landlord and Tenant Act of 1954 says that if a business occupies a building for more than six months, it is able to claim rights to stay on the premises. To protect the landlord against the intermediary or the participants claiming this right after a Meanwhile Lease ends, both the intermediary and the participants must sign an Exclusion of Tenure form to acknowledge that the lease is being offered without security of tenure i.e. the business must move from the building once the Meanwhile Lease ends (through appropriate notice being given, or at the agreed end date).

This Exclusion of Tenure is considered to be a signing away of the rights offered by the Landlord and Tenant Act. As such, it is considered that you need adequate time (14 days) to consider and understand the implication of the document. Should you sign this form less than 14 days before occupying a site, you will need to find a solicitor to witness a declaration for both you and the participants.

Check out sample and template documents at:
www.meanwhile.org.uk/useful-info



Project Planning: Budget

The approach to the budget for a meanwhile project will be the same as for any project: plan what you think the project will cost and decide who will be responsible for paying each cost.

Flexibility is key: there will be unexpected events! Typical costs that should be considered are:

- Licences, CRB checks
- In-kind donations
- Volunteer time and expenses
- Repairs and maintenance. Remember that the space is dis-used so there may be things that need fixing
- Marketing, such as signage and branding
- Insurance.

Insurance

The Intermediary will require public liability insurance to cover the risk of someone on the site injuring themselves. Buildings insurance is also necessary. Contents insurance will usually be covered by the participants.

Signage

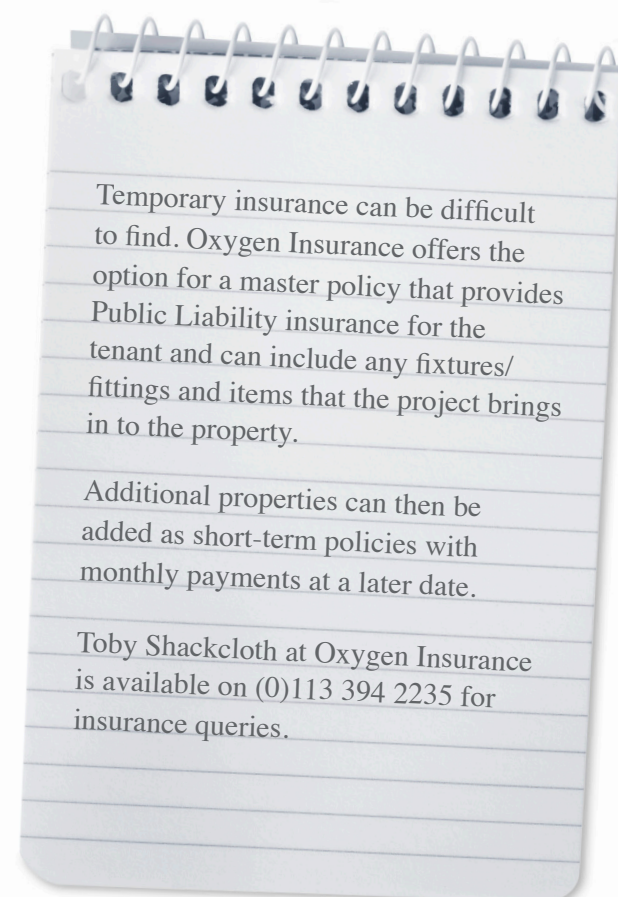
Check with the relevant planning authority before making any changes to the exterior of the building, including adding signs. This applies even if signs are already on the site. The authority will be able to advise you on the criteria for signage being approved. Signs smaller than 1.5m2 do not require planning permission.



Regulations examination

To cover your bases legally, make sure you check:

- The landlord's asbestos register
- The fire alarm and sprinkler system is commissioned and in working order, and that there are procedures for use
- The electrical and air-conditioning systems have been commissioned and are in working order
- The security system is working and there are procedures for use, including any roller shutters
- The building meets the Disability Discrimination Act (DDA) requirements for access to the building and facilities
- The fire plan is adequate and participants are aware of their responsibilities
- Whether the temporary use of the venue will require 'change of use' permission or any other planning considerations
- With the landlord before making any physical changes to the property.



The Local Authority should always be involved. Approach them early on to find out their Meanwhile policy and establish a good relationship. Areas they will be able to help with include health and safety, licensing, planning use and business rates relief.

Rates relief

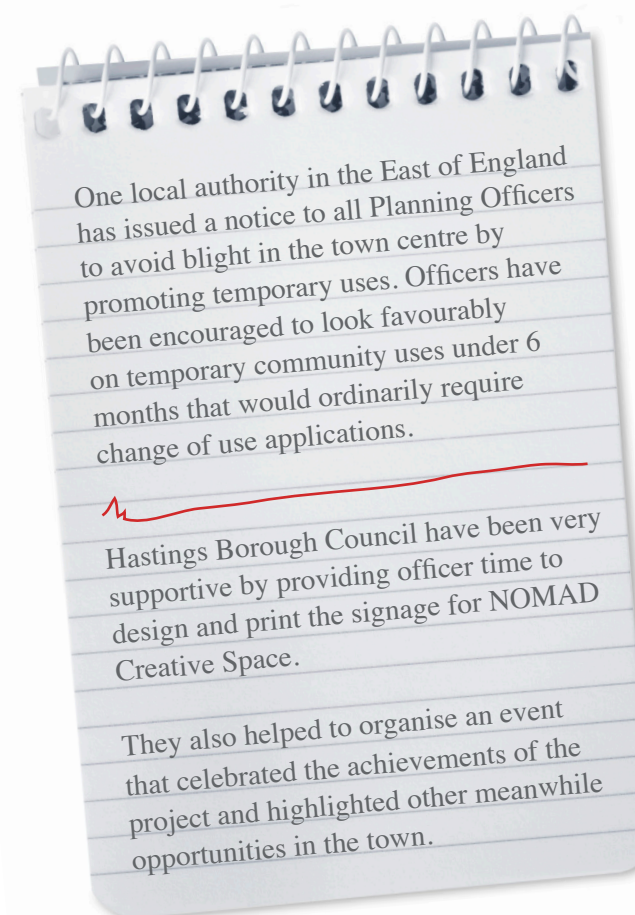
Local Authorities are able to waive the rates on temporary projects. Charities get 80% mandatory reduction with the last 20% discretionary. Not-for-profit community/

education/arts use may receive up to 100% rate relief but it's up to the local authority to decide. We are encouraging councils to view meanwhile use generally as a category for rate relief. It is worth mentioning locally that they only have to meet 25% of the rate relief they give, the rest is met by central government (who are funding the Meanwhile Project so are very supportive). Frequently councils are uncertain how to interpret the rules around 'not-for-profit' and they have been known to insist that no trading happens on the premises, which can be limiting. In contrast, rate relief case law has determined in favour of the ratepayer as long as it is not-for-[private]-profit and any profits derived from activities are re-invested in the charitable objectives. Talk to your local authority and find out their position and have a look at the Rates Matrix and other rate relief information at www.meanwhile.org.uk.

Process, procedures and government bureaucracy

We all know that government bodies have their idiosyncrasies. There are forms, forms and more forms. Meanwhile projects are innovative and spontaneous, but they must be done in a way that fits the requirements. Develop a relationship with the relevant local authority, fill out the forms and make it as easy as it can be.

Extra bureaucracy is a result of the new-ness of meanwhile projects. As local authorities begin to see the immense benefits of using empty spaces for creative and entrepreneurial works, and that they are done in a way that adds value to the community and the authority's work, the authorities may be in a position to streamline things. Treat your local authority contacts as allies and share the success of your project with them.



THE PARTICIPANTS

5

Preparing the ground – establishing the project

The participants are the people who will occupy the property and provide the creative momentum and know-how to make the project happen. Sometimes participants will approach a landlord, an intermediary or a local authority with an idea for a project; sometimes they will be selected to make use of a space that has become available. Having the ‘right’ participants is critical for any meanwhile project – there is no time to lose.

Qualities in participants

The role of participant lends itself to creative people, but a good meanwhile participant requires more skills than simply having a good idea. The right participants will work well together as a team, will communicate well with the intermediary, understand their responsibilities and have the practical know-how to make things happen.

Qualities you look for when selecting participants might include:

- Imagination
- Drive, ambition and passion.
- Resourcefulness
- A can-do attitude
- Collaborative, good listeners and an ability to work with all the other parties involved in the project
- Awareness of the legal implications of a meanwhile project.

Recruiting

Don’t assume that getting a team on board is just about assembling a group with a good idea. The team should have the right mix of skills – creative, practical and communications – and you should feel that you will be able to work well together.

A standard recruitment process, like that for any project, will help - but ensure that it doesn’t limit the opportunities and exploratory nature of a meanwhile project. Make it simple. Streamline things. Be clear about your selection criteria and include only what you think is critical for a good project.

Your goal should be to help build a cohesive group that has the right skills and personalities to work together.

The process might include:

- Creating a brief about the needs for, and the limitations of, the space. Cover time limits, community expectations and commitments
- Considering the skills you would like a team to offer
- Advertising to request submissions, and assessing the submissions via a panel. Use the criteria you have set, of course, but avoid doing the things that you know can go wrong with an overly-pedantic recruitment process!
- Carry out a meeting or group exercises to check that the team you choose can do what their submission says they will do.

The panel will ideally be a cross-disciplinary team that represents the many stakeholders. You may want to consider this combination of skills and knowledge:

- Someone who understands the future use of the space, who has an interest in the long lasting impact of the project
- Someone with knowledge of the practicalities of making projects happen
- Someone who understands the community and the atmosphere of the town centre
- And of course someone who represents the intermediary leaseholder teams that will be working with the participants!

Participant agreement

The Participant Agreement effectively passes on the obligations of the Intermediary (as considered in the Meanwhile Lease) to the participants.

To ensure commitment to the project and cover basic utility bills or other costs, it is a good idea to consider a nominal participation fee from each of the participants. It is important to remember that this should not be equivalent to rent, as usually the landlord has provided a meanwhile property free from rent and it may be a source of conflict if the participants are then charged too much to use the space. For Nomad, we set the participation fee at £10 per week and collected a month up front when they signed agreements and received keys, and then on a weekly or monthly basis after that.

Keep things as simple as possible as keeping the books up to date for lots of £10 participation fees can be cumbersome!

www.meanwhile.org.uk/useful-info

Frustrations

Participants have been known to simply vanish from a project, without giving adequate notice to the Intermediary.

Keep lines of communication with the participants open and ask for regular updates to help participants understand your objectives and requirements from them.

Processes are there to make things easy for you and the people you deal with.

Avoid being too bureaucratic!



GATHER A MULTI-SKILLED PARTICIPANT GROUP



Set the ground rules before the participants occupy the buildings and things will be much easier. Use a facilitator to generate group decisions on roles and responsibilities.

Things to discuss at this session include:

Group or project name	To build a sense of community and joint purpose, but also may include how the group wishes to be recognised legally. Will you register as a CIC, for example?
Expectations for the scope of the project	What are you actually going to do? How much will the public be involved? What hours will the space be open? Clarify your target audience?
Roles and responsibilities	The role each group will take on for the project, and possibly roles of individuals, such as the person who is responsible for locking the building each evening or co-ordinating marketing.
The decision-making process	The Intermediary is typically where complaints and issues land from both sides. How do you want to be informed of issues and at what point?
Marketing	Encourage the participants to set up good marketing, PR and perhaps a blog site. These will all help keep the Participants enthused, as well as ensure that the public knows about the project.
Paying bills	Who will be responsible for paying bills, such as electricity and phone? How will the money be collected?
Phone and internet	Short-term contracts for these can be difficult. Existing mobile phones and internet dongles may be the most practical solution.
Keys	Specify who pays for multiple copies of these and perhaps consider whether locks will need changing as extra security.
Petty cash	Will the group keep petty cash? Where will this come from? How are decisions made about spend? Where can they claim cash expenses?
Fee collection	Frequency and methods of collection for any participant fees
Utilities	Who will pay for the utilities? Estimate of cost.
Repairs	Again, who will be responsible for co-ordinating them and paying for them?
Opening times	Remember to define what you mean by ‘open’. Who will be visiting? How will they have access? How will they know the space is open to them?
Health and safety, access, security	May include CRB checks if you will be working with children. What will the project need in terms of approvals and licences? Ask your local authority for a list.



Losing motivation
The excitement of a new project often fades for participants, particularly if there is a long time between signing the contract and seeing the results on the site. Maintaining impetus is something to be managed and will be helped by creating a clear, shared vision at the start of the work as well as keeping track of achievements. Basic project management, with fixed milestones and statistics to record progress can go a long way.

Documentation
It goes without saying that copies of legal documents, agreements and paperwork should be kept, and an appropriate filing and archiving system used. Meanwhile projects are often funded by public money, so it’s important that evidence of the way that money is spent is kept appropriately. Ask the relevant funders for their position on this. Good record-keeping also means that you will be able easily to access information if the landlord or another stakeholder wants to track the project.

The other type of information that is useful to keep is the evidence that the project worked. Hold onto records of blogs, statistics, marketing, photographs, guest signature lists and anything that will prove the project was a success. This will help you in the future and generally provide support to the movement. The Meanwhile Project is continuously gathering this kind of material, through the Ning practitioners’ forum and the Meanwhile Showcase of projects. Check it out at www.meanwhile.org.uk.

Making life easy
A few final suggestions to help make acting as an intermediary for a meanwhile project run as smoothly as possible:

- A team approach to meanwhile projects, whereby the intermediary, participants and landlord work together to create the rules and project scope, is an easy way to generate a sense of positive teamwork and responsibility

- There are things about the project that will be non-negotiable for the participants, such as keeping the space clean and behaving appropriately. Don’t spend time discussing these! Just include them in the agreement
- Work with your stakeholders. Identify them and learn about what they want and need from you
- Keep things simple.



Good luck
Best of luck for your meanwhile project! You will no doubt find it a rewarding (though occasionally frustrating!) process and will come up with many ideas for improving things the next time round.

We’d love to hear how you go, and other meanwhile intermediaries could really benefit from your knowledge and expertise. Please visit the discussion page of the *Meanwhile Ning forum*: www.meanwhilespace.ning.com and share your experiences with other meanwhilers.

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