

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 5 SEPTEMBER 2019

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3
HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON
THURSDAY, 5 SEPTEMBER 2019 AT 09:30**

Present

Councillor JC Spanswick – Chairperson

P Davies	DG Howells	DRW Lewis	JR McCarthy
JC Radcliffe	RMI Shaw	G Thomas	E Venables
DBF White			

Apologies for Absence

N Clarke, DK Edwards, RME Stirman and JE Williams

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Kevin Mulcahy	Group Manager - Highways Services
Zak Shell	Head of Neighbourhood Services
Mark Shephard	Chief Executive
Tracy Watson	Scrutiny Officer

Invitees:

Councillor Richard Young

Cabinet Member Communities

87. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members/Officers:-

Councillor N Clarke
Councillor K Edwards
Councillor R Stirman
Councillor J Williams
P Beaman
G Smith

88. DECLARATIONS OF INTEREST

Councillor R Shaw declared a personal interest in Agenda item 4. as he offered advice (unpaid) to Pontycymer Bowling Club on a proposal to transfer assets to them from the Council.

Councillor P Davies declared a personal interest in Agenda item 4. as Director of Caerau Development Trust, who were considering taking over the land adjacent to the Caerau Community Centre. This proposal however was currently on hold.

89. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the SO&SC 3 Minutes dated 11 July 2019, be approved as a true and accurate record.

90. PLAYING FIELDS, OUTDOOR SPORTS FACILITIES AND PARKS PAVILIONS

The Chief Executive Officer submitted a report, the purpose of which, was to present Committee with the outcome of the consultation on proposals for the Council's provision of the above, in order to support a more financially sustainable provision, as well as to update the Committee on current Community Asset Transfer (CAT) progress.

The Head of Operations – Community Services gave an outline of the report, following which the Chairperson invited questions from Members.

A Member referred to children's play areas being taken over by any organisation independent of the Council. He asked Invitees if the Council would enhance the equipment in play areas in any way, prior to such a process taking place.

The Head of Operations – Community Services advised that in situations such as this, each area would be looked at on a case by case basis. He added that some Town/Community Councils have/were in the process of taking over the running of children's play areas either independently or through CAT. The Council wherever possible, were looking to hand over equipped children's play areas with the equipment included therein, being in the best possible condition they could be in. To this end, any minor maintenance of such equipment that did not prove that expensive, could be carried out prior to any takeover. He further added, that other groups and organisations could take over these facilities, not just Town/Community Councils.

A Member asked if a Town/Community Council took over any children's play areas equipped or otherwise, then would they have powers to ban dogs from such areas much the same as the County Borough Council could.

The Head of Operations – Community Services advised that he would have to check this point out with the Legal Department.

A Member made the point that on occasions when an accident occurs in a children's playground and there's any negligence which is proven, i.e. through broken equipment etc., the liability for this would fall on BCBC and a claim could possibly be made, through their Insurers. He asked how this would work if a Town/Community Council took over a play area, as this could prove to be quite expensive, i.e. ensuring that adequate cover is in place, to cover any such accidents and subsequent claims arising from this.

The Head of Operations – Community Services advised that issues such as this, were looked at when any Expressions of Interest were made, i.e. any hidden costs, and these formed part of subsequent negotiations. The Council always carried out an annual audit of equipped children's play areas to ensure the equipment there is in satisfactory condition. The transfer of these facilities were being sought, so that the Council can avoid costs and make the necessary savings aligned to the MTFs, therefore the future maintenance of such areas would become the responsibility of the organisation who took over the facility. If the equipment was kept in reasonably good condition, then this would prevent any such accidents taking place, and in turn then, limit any such claims to organisations that have taken over the responsibility for the play areas.

The Chairperson was aware that there were 108 play areas in the County Borough and he asked how many of these were affected by the overall savings required in respect of Playing Fields, Outdoor Sports Facilities and Parks Pavilions.

The Head of Operations – Community Services advised that the savings that had to be made in the above areas had not been broken down into individual areas, but was the

total saving overall in its totality, i.e. £69k in 2019/20 and a further indicative saving of £369k in 2020/21. The majority of such savings would come from the sports provision as opposed to the children's play areas. A significant chunk of the savings being realised was dependent upon other organisations agreeing to take over these facilities/areas he added.

The Chief Executive added that in terms of maintenance of any of the above and the Council 'buying back' this, the Communities Directorate were open to suggestions. However, continued maintenance by the Authority in this manner, could only be seriously looked at if quite a few Town/Community Councils took over such facilities, as opposed to any individual takeovers by just a few of them.

The Chairperson noted that grass cutting in playing fields etc., had been reduced in line with proposed budget savings. However, he wished to point out that it was not just grass cutting per se that was required at these locations, but also weeding etc. He asked if this had also been accounted for in the earmarked savings.

The Head of Operations – Community Services confirmed that they had.

A Member asked if there was a breakdown of costs for the continued maintenance of any one sports playing field.

The Group Manager – Highways Services advised that he could provide a breakdown of this for the Member outside of the meeting. The cost however, involved looking after the area both in and out of season and involved feeding, seeding, aerating, grass cutting as well as the time involved and labour costs for this. The level of these activities was also dependent upon the number of teams using the sports pitch. There was an added cost then for the maintenance of associated pavilions, changing rooms, showers, and any repairs that may be required to these, due to acts of vandalism.

The Cabinet Member – Communities referred those present to page 73 of the report and the Scale of Charges shown there for the use of pitches and pavilions etc., for rugby, football, cricket and bowls. He added that the current situation was that the Council subsidised the cost for the hire of these. The top section of this part of the report reflected what the Council was paid back presently, when organisations hire these areas. The bottom half of this part of the report, showed the potential scale of charges (per occasion) as proposed, from 1st April 2020. He added that the position going forward was no longer sustainable and that changes had to be made in order to achieve the savings aligned to these service areas.

The Chairperson queried the annual costs for the maintenance of playing fields detailed in the report, as he felt these were not accurate and over-inflated. He felt that a more realistic estimate was in the region of £5 – £6k per annum including on-costs.

The Head of Operations – Community Services advised on a general point, that the Council were no longer in a position to fund facilities including maintenance costs of playing fields, outdoor sports pavilions and parks pavilions and that the best way forward for the Council and organisations who took over these, was through a CAT. If the savings allocated in the budget for these could not be made, such facilities would deteriorate and eventually be closed. No CAT would be made then and the clubs and associations who use these facilities would either have to face a situation of full cost recovery for them or cease to use them.

A Member pointed out that if any football or rugby club had a number of different teams who trained and played regularly, then this amounted to a significant cost for the hire of sports facilities and playing fields. In respect of Tondur RFC their overall cost for the use

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of the above at Pandy Park, Aberkenfig, amounted to in excess of £40k per season, which he considered was a significant amount for one Club to bear.

The Chief Executive agreed with this. He added that the better option would therefore be, for the Club to pursue a CAT and then just fund the running costs which would prove to be less expensive. The only other options were full funding costs (as they paid now) or see the facilities they use cease to operate in the future. Another option would be a cost sharing exercise for the continued use of facilities jointly with, for example, a local football team.

A Member referred to page 73 of the report, and made the point that the scale of charges shown for 2019 compared with those proposed for 2020, were laid out inconsistently, particularly in respect of activities/usage for cricket and bowls.

The Head of Operations – Community Services acknowledged this point and advised that he would take this away and re-look at it so as to give a clearer and more consistent breakdown of costings and relay these back to the Member, outside of the meeting. He added that presently there was no charges incurred for hire of sports pitches for bowls, though this was due to potentially change in 2020/21 subject to Cabinet approval.

A Member enquired if the Council had undertaken any benchmarking exercise with other neighbouring authorities, in order to establish what they were proposing in terms of savings in respect of those areas/facilities subject of the report, as part of any savings they needed to make going forward.

The Head of Operations – Community Services said that this had taken place, more notably with Carmarthen, Neath Port Talbot, Vale of Glamorgan and Rhondda Cynon Taf Councils (amongst a few others). Whilst there was a difference of opinion amongst some on how charges should be incurred for Clubs and Associations who use such facilities, most of these authorities with the exception of Rhondda Cynon Taf, were going in the same direction as BCBC, due to ongoing financial restraints.

The Chairperson urged some caution moving forward with regard to there being somewhat of an unknown in terms of the future maintenance of facilities taken out of the direct control of the Council by other organisations and associations. i.e. would they be maintained fit for purpose, as well as complying with the provisions of the Well-being of Future Generations (Wales) Act 2015.

The Chief Executive advised that no less than 360 invitations had gone out to external organisations asking for any Expressions of Interest to take over the running and/or maintenance of playing fields and sports pavilions. If there was not a positive response to these, then some sports pavilions and parks and pavilions etc., would definitely be subject to closure.

The Cabinet Member – Communities advised that playing fields etc., even if not used for sporting events in the future due to the savings earmarked in this area under the MTFs, could still remain as part of the Public Realm and utilised for other purposes. i.e. general recreation as opposed to specific sports, so these may not permanently cease to be used.

As this concluded debate on the item, the Invitees left the meeting in order that the Committee could make any conclusions on this item.

General Comments:

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Members noted in section 7.5.2.1 of the consultation, the high percentage of general recreation users of the council's playing fields and/or pavilions. Members raised concerns that a club taking over a facility could choose to fence off this facility, excluding the general public. How will this work in the future if public open space is fenced off?

The consultation indicated a high percentage in support of play areas being maintained by town and community councils, but unfortunately the question did not state that this could end up with the local council tax precept being increased to cover the cost of maintenance. Hence, it is not clear how valid this support would be if the question had been more fully explained.

There was general support for the proposed reduction in frequency of grass cutting in certain areas where appropriate, but it was pointed out that just leaving some areas uncut is not a substitute for managing reduced cutting to enhance biodiversity.

A Member queried whether play areas would be refurbished or upgraded before being handed over to a Town or Community Council.

Concern was expressed as to how standards of maintenance are going to be monitored in the future if there are a range of organisations maintaining sites to varying standards. There is a danger of the asset gradually deteriorating due to limited or poor / uncoordinated maintenance and hence the facility may be lost to the community and future generations. What safeguards are in place to prevent this and how is this going to work with reduced staff and resources at BCBC?

Members suggested the option of a collective services being purchased back from BCBC for the maintenance of play areas could be raised on a future Town and Community Council Forum agenda. It was noted that town/community council's would not have the qualified staff to undertake the regular inspections and maintenance.

Members noted that the annual audit and independent inspection that needs to be undertaken on all play areas every 12 months, would be more cost effective if co-ordinated by BCBC with the appropriate re-charge being made to the town or community council.

Concern was expressed that the direction of travel within the report was geared towards meeting the MTFs, whereas this is not truly compatible with the Wellbeing of Future Generations Act.

Concern was further expressed that the report is geared towards removing the subsidy that currently exists for the use of sports pitches, but it was pointed out that there are other non-statutory services operating that have a subsidy level (e.g. Leisure Centres, Arts & Culture) and are these also being looked at in the same way?

Further Information Required:

Members asked for legal clarification on whether dogs could be banned, if a town or community Council took over the running of a Children's Playground? What is the position with PSPO's being implemented on both play areas and sports pitches.

Members asked for clarification that if a club either does not want to or is unable to take over a facility, or unable to afford the revised charges, will that facility will ultimately close?

Members noted the scale of charges in Appendix E of the report, but asked for a more detailed breakdown of costs. There needs to be the annual maintenance cost shown for

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sports pitches. There was also some confusion as to what happens when more than one club share use of a pitch. Do they both pay the full fee as in the example given by a Member with regard to the playing fields used by Tondu RFC. If this occurred it could result in the Club receiving a bill of around £40,000 for two pitches with several teams which is more than the actual maintenance cost.

It was also noted that the comparison between Sports Pitches (Cricket) in 2019 and 2020, showed a unit cost and then an annual amount, and sought further information on costs in order to have a comparative cost from one year to the next.

91. OVERVIEW AND SCRUTINY - FEEDBACK FROM MEETINGS

The Head of Legal and Regulatory Services submitted a report, the purpose of which, was to present to Members the feedback from the previous meeting of Subject Overview and Scrutiny Committee 3 for discussion, approval and actioning.

RESOLVED: That the Committee considered the attached feedback and Officer's responses as shown at Appendix A to the report and agreed that the response to the recommendation be classed as green in the RAG status reflecting that the issue has been adequately and fully responded to.

92. FORWARD WORK PROGRAMME (FWP) UPDATE

The Head of Legal and Regulatory Services submitted a report, that:

- a) Presented the items prioritised by the Corporate Overview and Scrutiny Committee, including the next item delegated to Subject Overview and Scrutiny Committee 3;
- b) Presented the Committee with a list of further potential items for comment and prioritisation;
- c) Asked the Committee to identify (if any) further items for consideration using the pre-determined criteria form.

Attached at Appendix A to the report was the overall FWP for the Subject Overview and Scrutiny Committees, which included the topics prioritised by the Corporate Overview and Scrutiny Committee for the next set of Subject Overview and Scrutiny Committees in Table A, as well as topics that were deemed important for future prioritisation at Table B.

A Member referred to Appendix A and the next scheduled meeting of Subject Overview and Scrutiny Committee 3, where the subject of Enforcement was due to be considered as an agenda item.

In terms of the suggested Invitees for this meeting, Members felt that a representative from the Legal Department attend, in order to clarify the process of fixed penalty notices issued by Enforcement Officers and/or Police Officers (and if PCSO's are allowed to issue them). Members were also interested to know, what course of action was subsequently taken, i.e. through the Courts, in respect of any fines that remained unpaid. Committee further felt that consideration also be given to inviting a representative from 3GS to the meeting. This was a body that supports environmental enforcement for local authorities.

Members also felt that it would be useful, for information purposes, to receive the number of fixed penalty notices that are issued over a 12 month period and any further data regarding this that may be available

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RESOLVED: That the report be noted.

93. URGENT ITEMS

None.

The meeting closed at 11:35