

CABINET - WEDNESDAY, 13 NOVEMBER 2019

MINUTES OF A MEETING OF THE CABINET HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 13 NOVEMBER 2019 AT 14:30

Present

Councillor HJ David – Chairperson

CE Smith

PJ White

HM Williams

RE Young

Apologies for Absence

D Patel, CA Green

Officers:

Tracy Watson	Scrutiny Officer
Kelly Watson	Head of Legal & Regulatory Services
Mark Shephard	Chief Executive
Mark Galvin	Senior Democratic Services Officer - Committees
Zak Shell	Head of Neighbourhood Services
Guy Smith	Community Asset Transfer Officer

429. DECLARATIONS OF INTEREST

None.

430. CALL-IN OF CABINET DECISION: PLAYING FIELDS, OUTDOOR SPORTS FACILITIES AND PARKS PAVILIONS

The Monitoring Officer opened the proceedings by outlining the procedure to be followed at today's meeting, and explained that in the absence of the Chairperson of the Corporate Overview and Scrutiny Committee who had called-in a previous decision of Cabinet made at its meeting on 22 October 2019 (called-in by the Corporate Overview and Scrutiny Committee on 4 November 2019), with regards to a decision it had made in respect to the Playing Fields, Outdoor Sports Facilities and Parks Pavilions, the Member that initiated the call-in, Councillor T Thomas, would present the report.

Cabinet would then have an opportunity to consider the comments and recommendations of the Corporate Overview and Scrutiny Committee and any clarifications from Councillor Thomas, following which it would then either confirm or revise the decision made at its meeting on the 22 October 2019.

Councillor Thomas advised that in accordance with a provision of the Council's Constitution, seven Members of the above Overview and Scrutiny Committee had called-in the previous decision of Cabinet (Minute 423 refers), for the reasons detailed in paragraph 4.3 to 4.8 of the report.

Councillor Thomas then outlined these reasons for the benefit of those present.

He felt that the proposed increase in hire fees for the use of playing fields and pavilions had been a very emotive decision and this had been borne out by the fact, that no less than 20 public speakers given an opportunity to voice their concerns had provided reasons why this decision should not be taken, at the Corporate Overview and Scrutiny Committee. Most of the speakers were representatives of Sports Clubs and Associations located within the County Borough, representing rugby, football, cricket and bowls.

The Overview and Scrutiny Committee had resolved following some considerable debate, to refer the matter back to Cabinet so that the Executive could re-consider its previous decision.

Councillor Thomas appreciated that Clubs had been encouraged to take up the opportunity of continued funding from the Council through the Community Asset Transfer (CAT) programme, however, both he and a number of other fellow Members, felt that the CAT process was very complex and under resourced, coupled with the fact that a lot of Clubs and Associations were volunteer led.

The Leader following Cllr Thomas' submission, asked Cabinet Members if they had any questions to pose to Councillor Thomas in respect of the Overview and Scrutiny Committees decision to call-in the earlier decision of Cabinet.

The Cabinet Member – Communities acknowledged that certain Members had raised some concerns over CAT, but wondered whether this was in respect of the revised CAT process, which had been reviewed in July 2019 and was more streamlined and easier to understand, or the old process. Cllr. Young asked if the Corporate Overview and Scrutiny Committee had acknowledged this, prior to recommending that Cabinet reconsider its previous decision.

Councillor Thomas replied that to his recollection, this had not been discussed at the above Call-in meeting. He made the point however, that as far as he was aware, there had only been one successful CAT application completed to date. Notwithstanding this, he felt that CAT was under resourced from an Officer perspective, as there was currently only one Officer in the Authority that supported the CAT process, which was not enough to deal with the possible increased volume of future CAT applications.

The Cabinet Member – Communities, advised that he would be happy to meet with any Members regarding the changes made to the CAT process, in order that they be more familiar with the revised process and the changes that had been made. He added that at the meeting of Cabinet where the decision had been taken in respect of the facilities subject of the report, Members had made certain commitments, in that a fund would be established to support mini, junior and youth teams and underrepresented groups. There was also the recognition by Cabinet Members/Officers, that some organisations would have difficulty with the process and therefore, these would be mitigated as far as they practicably could be. He added, that the Council were also keen to work in collaboration with Town/Community Councils regarding taking over certain assets and they could increase their precept in order to assist in this.

The Cabinet Member – Communities added that he had a meeting with the Welsh Rugby Union (WRU) tomorrow, where the future operation of the assets referred to in the report would be subject to further discussion.

Councillor Thomas confirmed that he would be happy to discuss the change in the parameters of CAT. He wished for the new process to be fully explained to him and was sure other Members would benefit from that too.

The Cabinet Member – Social Services and Early Help, advised that the Cabinet shared some of the concerns raised by the Members who had called-in the decision. The issue was, however, that the Authority like others, had to make a balanced budget. BCBC needed to find £36m in savings over the next 4 years and this was a significant sum in addition to the level of savings already made since austerity. He emphasised the point, that any Member could approach Cabinet to discuss elements of the Council's Medium Term Financial Strategy (MTFS). He noted that there had been no alternative

suggestion put forward by Members at the call-in meeting of the Corporate Overview and Scrutiny Committee, where the savings earmarked for Playing Fields, Outdoor Sports Facilities and Parks Pavilions could come from elsewhere. However, this level of savings needed to be made so he welcomed alternative suggestions from Members where this could be made instead. There had been sustained budget pressures since the recession had taken place in the service areas of Adult Social Care and Childrens Services and these were areas where the local authority had a statutory responsibility to both the elderly and the young as areas of risk. When more resources than anticipated are required to maintain adequate levels of support in these areas, then the money to do this invariably came from non-statutory services, as these were less risk averse. The Council were also obliged for reasons of safety to the public, to ensure that the Highways Network was adequately funded, i.e. through filling in potholes in roads, etc. It was not incumbent upon local authorities, however, to subsidise Sports Clubs and Associations in costs to hire out Sports Pavilions and Playing Fields, etc. and though it had been custom and practice to do this in the past, there were insufficient finances available to continue to do this in the future.

Councillor Thomas commended a fellow Member from the Brackla Ward for alternative proposals he had submitted to the Authority with regards to the future maintenance and hire of the above facilities and whilst his proposals could not be considered at today's meeting, he felt that these could be examined by Cabinet in the immediate future as part of wider budget proposals.

The Leader asked the Chief Executive if he had received any alternative proposals from Members, where the level of savings required in the area of Playing Fields, Outdoor Sports Facilities and Playing Fields could be made elsewhere instead, to which the Chief Executive replied that he had not. The Leader also added, that savings in this service area had been agreed by all Members at the meeting of Council where the budget included in the Medium Term Financial Strategy 2019-20 to 2022-23 was approved in February 2019.

The Cabinet Member – Education and Regeneration asked the Community Asset Transfer Officer if, as of now, the majority of Sports Clubs and Associations within the County Borough had engaged with him regarding the possible taking over of facilities through the new CAT process.

The Community Asset Transfer Officer confirmed that only one asset – Blaengarw Cricket Playing Fields had had no engagement regarding CAT.

The Cabinet Member – Education and Regeneration, advised that for every £100 the Council used to spend, repeated cuts to its budget had now seen this reduce to £65. There had been successful ventures completed previously at Carnegie House, Bridgend and at the Old Police Station in Porthcawl and those involved in these projects prior to them being successfully completed, had been sceptical and had reservations that these would be taken over with any great success. Though these had turned out to be successful and he was sure that the same result would take place with regards to other facilities. A similar project was being progressed by Laleston Community Council in respect of a CAT with regards to Bryntirion and Laleston Community Centre and Bryntirion Playing Fields he added.

Councillor Thomas felt that every avenue had to be pursued through CAT whereby Clubs would not face 'maximum charges' when taking over any such assets. He had been in discussions with Tondy Robins AFC who had informed him that they would fold if they had to fully fund the assets they have used for many, many years, at Pandy Park, Aberkenfig.

He felt that more information needed to be shared with Sports Clubs with regards to indemnity issues/costs and security and maintenance of facilities.

The Cabinet Member – Education and Regeneration advised that issues such as these could be discussed and subsequently resolved through Sports Clubs and Associations and Town/Community Councils engaging with BCBC. If they could enter into for example partnership arrangements in terms of joint users of Playing Fields and Sports Pavilions then elements of cost would not materialise. They needed to take up fully the opportunities presented by CAT he added.

The Deputy Leader advised that the Council had historically been successful through partnership arrangements. Examples of this were V2C and the housing stock, Halo with its Sports Facilities and Awen Trust through its Libraries. The Council had around 900 assets, with a maintenance backlog of approximately £50m and therefore it was faced with little choice other than to make some significant changes moving forward in order to continue meeting its corporate and wellbeing objectives. It was his wish to assist Sports Clubs in continuing to provide sport within the County Borough for all to become involved in, together with facilities of a good standard to support their participation in this for the young and old and for both genders. A few Sports Pavilions had closed and he did not wish to see this trend continuing. Changes had to be made, however, in order to prevent this from taking place. There were also avenues of grant funding that could be sourced from external bodies and organisations, that was not available to BCBC. Bryncethin RFC had made a state of the art facility and had accessed £500k in grant funding in order to achieve this. The CAT process had first been introduced in 2010 and had evolved considerably since then, particularly since the process had been recently reviewed and streamlined. He was also unsure if the criticism received from certain Clubs was in respect of the previous process in respect of CAT, or the new refined model. Cllr. Williams stated that the new CAT process increases flexibility for Sports Clubs in terms of the way they could take over and manage facilities, including through a Licence Agreement. The new process for CAT had been agreed last July and this was a more streamlined process than the previous version, though it would take time to 'bed-in.' The new process would also support the Wellbeing of Future Generations (Wales) Act 2015 provisions, in that it would allow organisations more flexibility to enter into the necessary Agreements in order to take over and manage assets, ensuring their long-term sustainability.

The Cabinet Member – Social Services and Early Help added that a total of 60 Sports Clubs representing different sports presently used playing fields and sports facilities throughout the County Borough, which constituted 293 associated teams. He acknowledged the fact that a considerable number of these teams were supported by unpaid volunteers and that this support was invaluable. It was also recognised that there were a number of other sports played within the County Borough, for example, Taekwondo, Judo and keep-fit classes that were more indoor than outdoor activities/sports. In terms of the financial support that the Authority committed to Playing Fields, Outdoor Sports Facilities and Parks Pavilions, which had been subsidised by around 80% of the operational costs, and stressed that the Council did have the level of resources available to continue providing this level of subsidy. Notwithstanding that, he added that the Executive did not want Sports Clubs and Associations new charges but instead to take advantage of CAT.

The Cabinet Member – Communities wished to point out, that there was a caveat to the Council's proposals in respect of the playing fields and associated facilities at Newbridge Fields, Bridgend. This was a more complicated issue due to the fact, that a number of different Sports Clubs used these playing fields, i.e. football, rugby and cricket teams. The CAT process would therefore be difficult to pursue due to this, though he felt that

Bridgend Town Council may wish to consider having a more formal involvement in the future arrangements for the site.

He also added, that the Council would be as flexible as it could be regarding organisations supporting these facilities going forward, with each CAT application being considered on its own merits. Seven Sports/Parks Pavilions within the County Borough had already closed as they did not meet Health and Safety requirements and more would follow if these were not maintained up to the required standard. He emphasised the fact that if organisations committed to the CAT process, they would not be subject to higher charges than they are facing presently. He reiterated any support that Town/Community Councils could offer support by increasing their precept and undertaking transfers so that these assets could be retained within local government.

The Leader felt that the new CAT Policy the Council had adopted, should be shared with all Councillors as part of a Member Development briefing. The Policy also he considered, needed to be shared with all Sports Clubs, Associations and other relevant organisations. He asked if the Corporate Overview and Scrutiny Committee as part of its decision to refer the Call-in back to Cabinet for further consideration, had looked at other authorities who had reduced its subsidy or threatened to closed facilities in order to gauge the success or otherwise of such policies.

Councillor Thomas replied that he did not recall the Committee making comparators with other authorities in respect of this matter, however, Members were aware that Rhondda Cynon Taf CBC had actually invested £2m into the future operation of sports facilities that included 4G pitches.

The Leader advised that Neath Port Talbot CBC and the Vale of Glamorgan CBC had been forced to take similar decisions which BCBC were proposing regarding their sports facilities.

The Leader then asked the Community Transfer Asset Officer to explain the CAT process and the how the changes introduced last July affected this.

The Community Asset Transfer Officer explained that to date only one CAT had been fully completed and that was in respect of the facilities at Bryncethin Playing Fields. He advised that Bryncethin RFC had been ambitious throughout the process and managed to eventually secure external funding of £550k to convert the pavilion into a community centre. He explained that the need to secure funding had been the main reason that had delayed the project and the completion of the lease but that lessons could be learnt and processes improved. In view of this, a Task and Finish Group was established comprising of members of the Cabinet and key Officers, with the aim of improving and streamlining the process. This involved conducting a benchmarking exercise with other neighbouring local authorities. Firstly, Informal Expressions of Interest were sought from organisations interested in CAT, whereby the CAT Officer visited Sports Clubs and other community groups (including Town/Community Councils) to discuss the availability of the asset and to outline the CAT process. This approach had proved successful with almost full engagement with Sports Clubs already in place. The second stage of the process was the submission of a formal written Expression of Interest, which would be considered by the CAT Steering Group, in order to determine if the asset qualified for transfer, i.e. through a long-term lease, short-term tenancy or a Licence,. The Council would also look at assistance that community groups required to progress a transfer and a Business Adviser, would be assigned from our partners -the Wales Co-operative Centre or Coalfields Regeneration Trust – under the CAT Business Support contract. This would include a business diagnostic assessment [due diligence] to ensure the relevant community group had the required capabilities and capacity to manage and sustain the asset to be transferred.

The Community Asset Transfer Officer stressed that any organisations taking over assets would have assistance from the Authority to become a legal entity that had limited liability such as a Charitable Incorporated Organisation (CIO) or a Company Limited by Guarantee with associated costs being funded under the CAT Business Support contract. There would also be training opportunities to ensure that community groups were aware of their respective duties and responsibilities as directors / trustees.

He explained that under the revised CAT policy a Fast Track process had been introduced that ensured the majority of community groups would no longer be required to submit a detailed business plan but a 5 year financial forecast instead with greater emphasis being placed on due diligence under the business diagnostic assessment. The Council would make community groups aware of ongoing liabilities by providing copies of independent condition surveys, asbestos refurbishment survey and breakdown of current utility costs. Both the Council and its Business Advisor would provide support he added, in order that the organisation are brought fully up to speed with regards to managing assets it took over the responsibility for. The CAT Steering Group would also play its part by examining the sustainability of the Sports Clubs/Associations who become involved in this process, on a case by case basis. There were different methods with regards to the way assets could be released as was alluded to earlier in proceedings, which would be outlined in Heads of Terms before the lease, tenancy or licence were agreed. The CAT Officer confirmed that there leases for 8 CATs presently being finalised.

A £1 million CAT Fund had been established by the Council to fund repairs to buildings following completion of transfers with funding applications up to £50k being approved by the CAT Steering Group with any higher financial commitments from the Authority having to be approved by the Cabinet.

The Head of Operations – Community Services added that the original CAT process was more complicated, but this had been introduced by BCBC based on ‘best practice’ guidance issued by the Welsh Government in respect of safeguarding any assets that were taken over from the local authority.

The Cabinet Member – Social Services and Early Help, confirmed that there were 3 Clubs in the Maesteg location, one of which was Maesteg Harlequins RFC, that were involved in CAT through a lease arrangement. He asked what sort of completion time was there in terms of a takeover of assets through this type of agreement.

The Community Asset Transfer Officer advised that the Clubs the Member referred to, were in the final stages of the process and that standard type Heads of Terms Leases would be introduced for this in the form of a standard type of document. These would be considered by the CAT Steering Group. This had been the methods by which assets had been taken over by both Bryncethin RFC and Caerau FC. As more CAT projects were completed the processes by which to do so, would become more consistent he felt.

The Leader queried the progress being made to develop a separate strategy for Newbridge Fields.

The Community Asset Transfer Officer, confirmed that he was due to meet with representatives of the Wales Co-operative Centre and Coalfields Regeneration Trust to look at engaging consultants to undertake an Options Appraisal to determine the best way forward at Newbridge Fields in view of multiple teams using these facilities and a similar appraisal would be pursued in respect of Maesteg Welfare Park and Aberfields in Ogmores Vale (“the Planka”) both of which were not dissimilar to the set-up at Newbridge Fields. From this Options Appraisal the Council together with its advisors, would meet

with the users of these areas and other stakeholders such as Town and Community Councils and the Sports governing bodies in order to establish how these assets can be managed more effectively in the future.

The Leader sought clarification, that if any Sports Club or community group committed to the CAT process and this was delayed, then they would not incur any increase in charges due to the withdrawal of the Council's subsidy? If this was the case, then they should also be informed of this in writing.

The Chief Executive confirmed that the Council had agreed that any organisation that is fully committed to progressing a Community Asset Transfer and are unable to complete a lease or licence of the playing fields and sports pavilions by the deadline of September 2020, through no fault of their own, will have their hire fees frozen at the current levels, other than the regular inflation adjustment, until any outstanding issues are resolved.

The Head of Operations – Community Services referred Members to paragraphs 4.6 and 4.7 of the report, where it stated that the Corporate Overview and Scrutiny Committee who called-in the decision of Cabinet, had expressed some concerns that there was insufficient information contained within the Cabinet report on Parks, Sports Pavilions and Playing Fields etc, regarding the number of sporting clubs teams affected by the changes to an increase in hire fees and how many games are played on the various pitches. Concerns had also been expressed that there was insufficient information provided in the report in respect of charges, i.e. that an annual charge had been listed, but not any breakdown to a fee per use.

He reminded Members of the purpose of the Cabinet report, which was to provide detailed feedback to Cabinet on the public consultation undertaken between 17 April and 10 July 2019 on proposals to make the Council's provision of playing fields, outdoor sports pitches and parks pavilions more financially sustainable moving forward. In addition, the report puts forward recommendations to support a financially sustainable future provision of facilities and provides an update concerning current Community Asset Transfer (CAT) progress.

He confirmed that the main thrust of this report, was to inform the public that the Council was financially unable to continue providing the level of subsidy it was currently and had provided in previous years, to Clubs and other Organisations for the future operation of these facilities. This was due to austerity and the fact that since then, the Council had faced significant budget cuts year on year.

Savings in this area under the Council's Medium Term Financial Strategy (MTFS) had to be made amounting to £435k over the next 2 years and the Council simply could not sustain the level of subsidy it had given previously.

Other neighbouring local authorities had introduced similar policies to promote asset transfer by raising hire fees and had been benchmarked with what BCBC were proposing. The changes had successfully been achieved in Neath Port Talbot CBC for example, where sports teams were still in existence and supporting the assets outlined in the report, without financial assistance from that local authority.

The Council's strategy was that no club would pay the increased charges but instead Sports Clubs would be signposted to CAT and supported in a flexible way to achieve a transfer of responsibility. The costs included at Appendix E in the previous Cabinet report were for illustrative purposes only and a guide to possible future annual charges but would only apply to any clubs who were unwilling or unable to commit to CAT.

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The Chief Executive advised that an annual fund would be set aside, circa £75k per year, over an initial 2 year period and bids could be made by Sports Clubs, with a simple application process similar to how bids are made by Town/Community Councils to the Town and Community Council Capital Grant Scheme. The fund would be in the main provided to assist mini/junior/youth teams to cover expenditure such as kit/travel. This would likely be in the form of a transitional fund and details would be finalised shortly with a future report to Cabinet .

The Leader sought further clarification from Officers, that neighbouring authorities who have removed the subsidy or announced closures to progress CAT arrangements, had not had a negative impact upon Sports Clubs and Associations and the use by them of sports facilities where they played their competitive sport.

The Head of Operations – Community Services advised that whilst Rhondda Cynon Taf CBC had given a financial commitment to the future support of Sports Clubs and Associations in the continued use of such facilities, many other Authorities had or were in the process of going down the same route as Neath Port Talbot CBC, whereby they were either enforcing an increase of hire fees and charges / closing facilities or adopting CAT. Neither of these measures had seen a reduction in the number of Sports Clubs or facilities to the best of his knowledge.

The Community Asset Transfer Officer added that Carmarthen had announced the closure of all sports facilities with 80% of all assets being transferred to Town and Community Councils with existing users continuing to hire facilities from them. The remaining 20% of assets being transferred directly to Sports Clubs.

The Cabinet Member – Social Services and Early Help, asked the Chief Executive if the 2 year transitional fund could support other groups other than young people looking to continue participating in sport and recreation.

The Chief Executive confirmed that this fund could be extended to support other minority groups such as the older generation and a report would be submitted to Cabinet in the immediate future giving the finer detail regarding this and for Cabinet to make a decision on its specific purpose.

The Community Asset Transfer Officer added that there were other avenues of external funding that were available to outside organisations but not to the local authority. The Council did also have the Town and Community Council Capital Grant Scheme which prioritised CAT projects, with £50k being provided annually.

The Leader added, there was also Capital funding that could be made available for any major repairs of maintenance to facilities that may be required relating to a CAT transfer.

The Chief Executive confirmed that the CAT Fund was available and it was for £1m in total, from which to date only around £245k had been awarded.

It was intended to be utilised for CAT projects to improve buildings for their long term sustainability. This fund would be replenished back to £1m if required, as and when demand for CAT projects required it, the Chief Executive added.

The Leader was aware that there had been Expressions of Interests from Clubs and Associations thus far in respect of 48 of the Council's sports related assets.

The Community Asset Transfer Officer advised that this was the case and he gave a resume for the benefit of those present of the names of these Clubs and Organisations.

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He reiterated that the only Club within the BCB who had not made contact with the Council in respect of the above, were Blaengarw Cricket Club.

The Leader then asked Members if they had any closing comments.

The Cabinet Member – Communities advised that the decision of Cabinet in respect of this matter at its meeting on 22 October 2019 had been a very difficult one to reach. The Communities Directorate had faced some significant cuts to its non-statutory services over what was now a considerable number of years. The Council however had to set a balanced budget. The Cabinet had taken on board the responses to the consultation process carried out regarding the future of the assets referred to in the report. The Council he added were not walking away from assisting Clubs and Associations in the future operation of facilities. Nor was the Council looking to close Sport Facilities and Parks Pavilions etc. It did wish however, to implement a Strategy that would ensure the future support of such facilities by keeping these fit for purpose and open. He conceded that the Council could have communicated better and in a more proactive way than it did over its future proposals and strategy with outside organisations and Sports Clubs etc. That said, he commended the work of Officers who had contributed to an improved process with regards to CAT, particularly the Community Asset Transfer Officer. There was little alternative than that which was proposed, in order to obtain the level of savings required in this service area, though he was aware one of the Members of the Council now wished to discuss with him an alternative proposal and he assured members that this would be looked at by Cabinet and lead Officers when they had the detail, but the proposals would need to make the same level of saving in the Directorate and provide a long term sustainable solution. The Cabinet were still very much committed to making sport thrive in the future throughout the County Borough, he added.

The Cabinet Member – Education and Regeneration made the point that the CAT process had evolved and was now more straightforward than had previously been the case. The Council had a proven track record in transferring of its assets to other organisations as these had been successful. The proposals previously agreed by Cabinet allowed for the opportunity of partnerships and collaboration, in order to keep assets not only up and running, but the opportunity for them also to be improved in terms of their condition. A further report however would need to be considered by Cabinet in terms of the future operation of assets at Newbridge Fields and a few other areas of the County Borough as referred to earlier.

The Leader reminded those present, that the Council had to find £35m in savings over the next 4 years that would include the loss of jobs, including professional roles such as teaching staff. Austerity continuing was making it increasingly hard to balance the Council's budget. Therefore, hard decisions had been made to date and would have to continue to be made in the future until it ended.

He concluded by advising that the budget cut aligned to the service area subject of the report, had previously been reported and agreed by Members, when full Council set the budget and prior to this discussed, when it was discussed by Overview and Scrutiny and the Budget Research and Evaluation Panel.

Members therefore unanimously agreed the following:

RESOLVED: That Cabinet re-affirmed its previous decision made at the meeting dated 22 October 2019 in respect of the above item. (Minute No. 423 refers)

The meeting closed at 16:00