

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3

5 SEPTEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

PLAYING FIELDS, OUTDOOR SPORTS FACILITIES AND PARKS PAVILIONS

1. Purpose of the Report

- 1.1 The purpose of the report is to present the Overview and Scrutiny Committee with the outcome of the consultation on proposals for the Council's provision of playing fields, outdoor sports facilities and parks pavilions to support a more financially sustainable provision and update the Committee on current Community Asset Transfer (CAT) progress.
- 1.2 The outcome of the consultation will be reported to Cabinet, and any views of the Committee will form part of that report.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following Corporate Priorities:-
 1. **Helping people to be more self-reliant** - It aligns with the priority of moving to a position where there is less reliance on the Council for the cost and provision of services by seeking ways in which the local community, relevant sports clubs and potentially Town and Community Councils might pay a greater part moving forward in maintaining and operating these facilities.
 2. **Smarter use of resources** - ensuring that all resources are used as effectively and efficiently as possible and support the delivery of services throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 On 18th September 2018 Cabinet approved a consultation exercise on proposals to make the Council's provision of playing fields, outdoor sports facilities and parks pavilions more financially sustainable moving forward.
- 3.2 The provision of these facilities is recognised as playing an important contributory part in helping to achieve healthy lifestyles and better levels of physical and mental wellbeing for the County Borough's residents. The Council promotes and subsidises a range of measures intended to support and increase levels of participation in sport and physical activity.

- 3.3 The Council currently oversees 39 playing fields excluding areas that have already undertaken CAT transfer and 40 pavilions the majority of which are in a poor state of repair. A list of pavilions and playing fields which are managed by the Parks Department has been included in **Appendix A**.
- 3.4 Historically the Council has charged a fixed hire fee for any formal hire of its outdoor sports facilities (excluding bowls). However, these fees do not go anywhere near covering the cost associated with providing and maintaining these facilities. The level of subsidy the Council offers will vary depending on the nature of the users (senior or junior) and the type of sport (for example, rugby, football, cricket, bowls). Additionally the quality of the facilities provided will vary to some extent based on factors such as age of asset, league requirements, drainage facilities and frequency of use.
- 3.5 Many of the sites and facilities are shared by a number of clubs and organisations as well as being accessible on an informal basis to the wider community. In contrast some facilities are used almost exclusively by a single club or community group.
- 3.6 Currently there are Medium Term Financial Strategy (MTFS) proposals relating to this area of £69,000 in 2019/20 and a further indicative £369,000 in 2020/21. This is in addition to other historic financial cutbacks to the area of service over recent years that have reduced levels of service in some cases and overall resilience across the service. The level of savings required to meet the MTFS may require other measures in addition to the introduction of full cost recovery, for example, rationalisation of Council funded children's play areas, and reduced frequency or coverage of open space grass maintenance which also formed part of the public consultation.
- 3.7 The Council established a £1 million Sports Pavilion Fund in February 2014 to encourage sports clubs to self-manage sports pavilions and improve the condition of assets. The users under the terms of their respective completed leases are responsible for the maintenance and repair of buildings and the payment of running costs. Users would then be able to take control of any repairs and maintenance, in line with their needs and expectations. This approach was approved by Council when the total legacy of repair for sports pavilions was estimated to be £3.85 million. The Corporate Director Communities wrote to community groups and sports clubs on 16 October 2015 outlining the Council's Community Asset Transfer (CAT) policy, assets available for transfer, timescales and inviting expressions of interest in transferring Council assets which included sports pavilions and playing fields.

4. Current situation / Proposal

Community Asset Transfer Update

- 4.1 Community Asset Transfer (CAT) has traditionally been undertaken in line with the Council's Asset Management Plan 2021: Community Asset Transfer Guidance Document.

4.2 The Council created a 3-year fixed-term CAT Officer post funded from the Change Management Fund in November 2015 to deal with enquiries, provide advice and guidance, oversee due diligence and to liaise with internal and external stakeholders. The Corporate Management Board (CMB) agreed to extend the CAT Officer post for a further 3 years from 31 October 2018, following a further bid to the Change Management Fund.

4.3 Since the appointment of a CAT Officer in November 2015 the following progress has been made in relation to Community Asset Transfers:

- 117 community organisations have contacted BCBC in respect of 98 different assets. The majority of enquiries to date have been received from sports clubs and associations in relation to self-management of pavilions and playing fields;
- 7 Town and Community Councils are currently progressing applications including public toilets, community centres, playing fields, and playgrounds;
- 4 transfers have been completed; 3 licenses issued to enable public toilets to re-open; and 62 applications are currently “live” and subject to informal discussions, the development of formal expressions of interest, business cases can be summarised as follows:

Progress Reached	No. as at 01/08/19	No. as at 31/12/18*
Completed Transfers (Long Lease or Tenancy at Will)	4	4
Transfer Approved with Heads of Terms / Lease being Finalised	13	11
Renewable Management Agreement being Finalised	1	1
Expression of Interest Approved with Business Case being Developed	26	14
Informal Expression of Interest Received with Discussions Ongoing	25	17
Engagement on Hold at Request of Group	1	4
Total	70	51

Figures reported to Overview and Scrutiny Committee 3 in January 2019

4.4 The Community Asset Transfer Steering Group which is chaired by the Head of Operations - Community Services meets on a monthly basis and is represented by officers from Communities Operations (Parks, Corporate Landlord and CAT Officer), the Education and Family Support Directorate, the Social Services and Wellbeing Directorate, Finance, and Legal Services. The Steering Group has responsibility for approving expressions of interests, business cases, support and funding by ensuring that any proposed community asset transfer meets the Council’s strategic priorities, operational requirements and future direction of travel. Approval to dispose of council assets including community asset transfers has been delegated to the Strategic Asset

Management and Investment Manager. However, more complex and contentious disposals are authorised either by the Corporate Director (Communities) or reported to Cabinet for approval.

- 4.5 The Sports Pavilion Fund outlined in paragraph 3.7 was re-designated as the CAT Fund and the scope for funding widened under the MTFs 2019-20 to 2022-23 to also include building works undertaken on other Council facilities such as community centres and public toilets, to support the CAT process. This is to ensure that as many buildings as possible can be kept open and provide long-term community benefits. To date only three projects have been allocated funding from this source:

Community Group	Asset	Purpose	Amount
Bryncethin RFC	Bryncethin Playing Fields	Develop a community centre	£110.0k
Careau FC	Hermon Road/Metcalf Street Playing Fields	Refurbish the existing pavilion	£50.0k
Pencoed Town Council	Pencoed Recreation Ground Pavilion	Repairs to enable pavilion to be re-opened	*£75.0k
Carn Rovers	Cwm Garw Playing Fields	Pavilion repairs and security measures	£10.3k

* Maximum contribution agreed by Cabinet on 21 May 2019

- 4.6 Under the revised protocol approved by Cabinet on 25 July 2017, funding applications up to £50K from the £1 million CAT Fund can be approved by the CAT Steering Group with all sums in excess of this threshold being referred to Cabinet for approval. As identified under paragraph 3.7 in 2014 the total legacy of repair for sports pavilions was estimated at £3.85 million, at the time of drafting this report 5 pavilions are closed (see **Appendix A**).
- 4.7 The Council entered into a joint contract with the Wales Co-operative Centre, Bridgend Association of Voluntary Organisations (BAVO), and the Coalfields Regeneration Trust following a full tendering exercise in December 2016 to provide business planning and specialist advice to community groups to facilitate the Community Asset Transfer process. A total of 16 individual community organisations have been referred to carry out 45 assignments under the original joint contract to provide guidance in respect of business planning, legal structures, accounting for VAT, and technical surveys at a cost to date of £99,602. The CAT Business Support contract has been part funded by the LEADER Local Development Fund (Project TRC-28) for groups requiring support located in a Rural Development area. The joint contract expired on 31 March 2019 and a re-tender exercise has been undertaken and the new joint contract awarded to the Wales Co-operative Centre and Coalfields Regeneration Trust for a 2 year period with an option for an additional year's extension to the contract period.

4.8 The CAT Task & Finish Group has been established by the CAT Steering Group as a direct response to the recommendations made by Members of the Overview and Scrutiny Committee 3 on 17 January 2018 relating to the Community Asset Transfer report presented by the Corporate Director Communities with the primary objective of providing strategic direction in respect of the Council's CAT Programme and associated policies, systems and processes.

4.9 The main recommendations arising from the CAT Task & Finish Group which concluded their review in February 2019 can be summarised as follows:

- A List of Assets available for community asset transfer should be maintained and periodically reviewed and updated;
- Asset data (compliance, condition survey and operating costs) should be issued to community groups at the earliest opportunity;
- Model Heads of Terms and template Leases for particular asset groups should be utilised wherever possible with a "take it or leave it" approach being adopted;
- The submission of income and expenditure projections for a minimum of a 5-year period should suffice for the majority of community asset transfers but detailed business plans should still be requested for complex projects;
- A risk based approach should be adopted for the Business Diagnostic Assessment undertaken upon community groups and the assets being subject to transfer;
- Town and Community Councils and established community groups should have their applications fast tracked particularly where the asset subject to transfer is in a compliant condition. The risk based approach will enable a risk matrix to be produced identifying suitability for fast tracking.

4.10 The Task & Finish Group also recommended to Cabinet that the priority of assets for community asset transfer should be refined so that savings under the MTFS can be prioritised accordingly:

Priority 1	<ul style="list-style-type: none"> • Sports Pavilions • Playing Fields (excluding school playing fields) and Bowling Greens • Community Centres
Priority 2	<ul style="list-style-type: none"> • Playgrounds / Play Areas • Free Car Parks • Allotments
Priority 3	<ul style="list-style-type: none"> • Miscellaneous Assets

4.11 The Council's Community Asset Transfer Policy document which was last updated in October 2015 has been amended to take account of the changes recommended by the Task & Finish Group.

4.12 A List of CAT Priority 1 Assets available for Community Asset Transfer either under long-term leases or short-term management agreements has been prepared to take account of future development potential of sites (updated

Local Development Plan and the Schools Development Plan), and the generation of capital receipts. This List of CAT Priority 1 Assets will be subject to regular review and updating by the Corporate Landlord in consultation with the CAT Steering Group and Cabinet.

- 4.13 Recommendations made by the CAT Task & Finish Group, the revised CAT Policy and CAT Priority 1 Asset List were approved by Cabinet on 23 July 2019.
- 4.14 Resourcing shortages were noted by the Task & Finish Group as being a contributory factor in the delay in processing CAT transfers and the staff resources required to progress multiple community asset transfers within agreed timescales for the influx of CAT's required under the MTFS is being assessed by the Head of Operations Community Services with any proposed changes needing to be subject to the development of a business case. The "Team" approach adopted by other local authorities to manage multiple projects whereby multi-disciplinary staff (e.g. Property, Legal, Parks and CAT Officer) work together is also favoured by the Task & Finish Group going forward and will need to be adopted.
- 4.15 In addition to the funding provided by the Council to assist community groups with repairs and refurbishments of buildings (outlined at paragraphs 3.7 above) it is evident from discussions with sports clubs that capital investment in plant and machinery to facilitate the self-management of playing fields and bowling greens is likely to be required. The Council will consider making capital grants available to purchase such equipment.
- 4.16 **Consultation on Proposals**
- 4.17 A consultation on the proposals was carried out to gather views and opinions on the potential impact of the changes in order to meet the proposed budget reduction, as part of the Council's MTFS.
- 4.18 The consultation document is appended to this report at **Appendix B**, and below are some of the salient points:
- The consultation was available to complete online and paper copies were available on request by telephone or email and ran from 17 April 2019 until 10 July 2019.
 - The consultation was communicated to Town and Community Councils, advertised on the Council's website and the Council's corporate Twitter account 23 times throughout the period of consultation, with the information being viewed 51,950 times.
 - A series of 4 Facebook postings were placed during the period of the consultation to raise awareness and also encourage citizens to share their views on the proposals. The posts were seen 65,758 times.

- Posters promoting the consultation were sent to all sports groups and pavilion coordinators and also circulated to the library services for use in their 12 branches.
- A total of 1,830 responses were received. During the period, there were 329 social media interactions, 1 letter and 9 emails.
- There were 2,169 interactions representing 1.5 percent of the Bridgend County Borough population.

4.19 **Reponses to the consultation**

4.20 Play area provision consists of 108 play areas that have fixed play equipment. The consultation sought views on the impact in changes of such provision. Salient feedback from the consultation indicated that:

- A majority of respondents (94%) indicated that they value play equipment with 57% of respondents indicating that they would be willing to travel up to one mile to access such facilities and 28% indicating they would be willing to travel up to three miles to access facilities.
- 56% of respondents did not support concentrating on strategic play areas rather than play areas in residential areas. 64% indicated that vandalised equipment should be continually repaired.
- 71% of respondents supported local town or community councils taking responsibility for operating the local play areas.

4.21 In relation to the management of grassland the consultation sought views on two proposals:

- Proposal – reduction in Road verge/Open grassland maintenance from 7 to 5 times a year.
- Proposal – reduction in parks grass cutting from 16 to 12 times per year.

Salient feedback from the consultation indicated that:

- 51% of respondents indicated that they agreed with the proposal to reduce grass cutting of open spaces and road side verges.
- 50% of respondents indicated that they did not agree with the proposal to reduce grass cutting of parks.
- 55% of respondents agreed that some grass open space should remain uncut and return to a more natural habitat.

4.22 In relation to the proposal to increase hire charges for the use of playing fields and sports pavilions to enable the full cost of provision to be recovered in respect of:

- 43 football pitches
- 25 rugby pitches
- 6 cricket squares
- 14 bowling greens
- 40 Pavilions

Salient feedback from the consultation indicated that:

- Most popular use for playing fields was general recreation 33%, followed by football 25%; rugby 21%; pavilion use 8%; cricket 6%; and bowls 6%.
- 47% of respondents indicated that town and community councils should consider taking responsibility for running and self-management of playing fields and or sports pavilions.
- 43% indicated that sports clubs or pavilion groups should consider taking responsibility self-management of playing fields and or sport pavilions.
- 50% of respondents indicated that community groups taking responsibility for self-management should be allowed to erect fences around the perimeter, with 24% indicating that enclosing of playing fields should not be permitted.
- Other commentary indicated that increase in fees may impact on the sustainability of clubs and the ability of people to pay with implications to health and antisocial behaviour.

4.23 Consideration of Consultation Feedback

4.24 Proposals in regard of Play area provision

4.25 It is evident from the consultation that children's play provision is valued and is felt that inclusion within the 'residential' environment is important.

4.26 It is suggested that with 71% of respondents supporting local town or community councils taking responsibility for operating the local play areas. That there would be a benefit from further dialogue where such sites maybe suited for CAT transfer to enable community ownership of its play facilities to be protected in future.

4.27 In 2017 an audit of Outdoor Sport and Children's Playing Space was carried out by BCBC Planning for the purposes of its preparation of its Local Development Plan (LDP). It identified that whilst there was an overall surplus on playing space across the County Borough, when viewed from the perspective of individual wards there was a deficit against the standards

endorsed by Fields in Trust (FIT). FIT is an independent charity that works to protect parks and green spaces

- 4.28 Whilst the purpose of the audit is to assist in the interpretation of LDP Policies and provide evidence and justification in seeking appropriate future Planning obligations from developers, it does provide an indication of actual provision within the County Borough against the FIT advisory standards.
- 4.29 **Proposal to maintain open grassland and highway verges reducing from 7 to 5 times a year**
- 4.30 The consultation indicated an acceptance of improvement to ecology, with 51% of respondents in support of a reduction in grass cutting in open green spaces and road verges, with 40% indicating they were not in support of such a measure. Cited amongst the response were potential for sites to look 'untidy' as well as road safety concerns.
- 4.31 In terms of highway safety it is considered that the reduction in cut frequency should not unduly impact vision splays and encroachment and in terms of visual impact there would be a marginal visual impact of arising's.
- 4.32 **Proposal to reduce parks grass cutting from 16 to 12 times per year**
- 4.33 The consultation indicated that 50% of respondents did not support a reduction in grass cutting of green spaces, with 39% indicating they were in agreement of such a measure. Cited amongst the responses were potential for the reduction in cuts preventing playing and use of fields and sports pitches, safety issues, and the importance of maintained play areas as well as dog mess within areas.
- 4.34 In consideration of the responses this measure is not specifically aimed at sports facilities (rugby football etc.) that would have to be managed according to the overseeing sports body. This is potentially further reflected in the responses in regard of sports playing fields being used for general recreation purposes.
- 4.35 This proposal in reducing parks grass to be cut by 4 times in a year is for general grassed areas and in effect means grass being cut 12 times during its growing season.
- 4.36 In terms of grass cutting visual impact there would be more cuttings present after mowing.
- 4.37 **Proposal to increase charges for use of Sports playing fields and sports pavilions to enable the cost of provision to be covered.**
- 4.38 The responses to the consultation indicated that there are concerns regarding the proposals to increase charges. The perceived impacts revolve around the level of charging and how this would be funded especially by smaller sports clubs or community groups. There was a suggested implication that some sports clubs may cease to operate.

- 4.39 The implications for sport and active recreation in a changing economic environment was considered by Welsh Government and Sports Wales, and a paper with their conclusions was published in March 2016 "*Facilities For Future Generations A Blueprint For Sports And Active Recreation In Wales*". The report recognised that revenue costs for community facilities and sports clubs needed to achieve a breakeven / self-sustaining position.
- 4.40 The paper looked across a range of ways that provision could be provided and included the potential to utilise other community assets such as schools and leisure centres in the wider provision of sports and activities that could potentially link in with changes to lifestyle and community expectation.
- 4.41 Within the consultation responses received there was a strong indication that there is an acceptance that community groups should consider, self-management of playing fields and sports pavilions. The Councils CAT transfer process can assist in such ambitions by offering support to organisations contemplating such development as indicated in section 4 of this report.
- 4.42 It is the case that rather than increasing fees the Council are offering the option of full CAT transfer, which may have the opportunity for community groups to organise their own pitch/facility maintenance which may deliver a more cost effective solution to individual clubs. However, this may not be to the same standard that Bridgend County Borough Council provides.

5. Effect upon Policy Framework& Procedure Rules

- 5.1 There is no effect on the policy framework or procedure rules.

6. Equality Impact Assessment

- 6.1 A full EIA has been completed and is attached at **Appendix C**.

- 6.2 In particular, the assessment suggested the following:

- Gender: It is considered that the majority of cricket, football and rugby have more male participants currently than female, so that they may be more adversely impacted if clubs are unable to Community Asset Transfer or fund increased charges.
- Disability: It may be the case that the impact may be significant dependent upon individual disabilities.
- Age: It is suggested that there may be impact on child development, health and antisocial behaviour. Although no specific age group is identified, the responses suggest that there may be a specific impact on both younger and older persons.

7. Wellbeing of Future Generations (Wales) Act 2015 Implications

7.1 An assessment has been completed and appended to the report as **Appendix D**.

7.2 In particular, the assessment suggested the following:

- **Long-term**

- The proposal seeks to remove subsidy which the Authority can no longer sustain with the potential of the respective clubs paying a rate to recover the costs for their occupation of pavilions and playing fields to provide a sustainable basis for such provision.
- Rationalise Grass cutting to a more sustainable level
- Play areas rationalised to a more sustainable level

- **Prevention**

- The provision for sports facilities, play areas and parks grass cutting is generally non statutory, so the proposal enables scarce resources to be directed towards those areas that are a statutory duty.

- **Integration**

- The outcomes sought are to direct funding appropriately, with sports groups more directly funding the cost of provision, this can be enabled in transferring the asset to such groups for them to run and maintain in order for them to continue operating their sport or activity. Likewise for play areas that could be transferred to respective communities.

- **Collaboration**

- The Parks Section works with various sections of the Council including Regeneration, Planning and Development in considering wellbeing objectives.
- Working with Sports Groups and Town and Community Councils in providing funding to source assistance for groups who are considering taking over facilities in regard of preparing business plans and/or facilities improvement grant to assist in asset transfer.

- **Involvement**

- As part of the consideration of the proposals, a 12-week consultation was undertaken. The consultation was online, as well as paper copies being available on request.
- All Town and Community Councils were sent the link for the survey to share with their communities.
- Promotion of the consultation was available on the BCBC website and social media networks.

- All comprehensive schools within the County Borough were offered the opportunity for their students to engage with the consultation during the live period.
- The responses from the consultation will be the subject of a report to Cabinet.

8. Financial Implications

- 8.1 There are MTFS proposals relating to this area of Service of £69,000 in 2019/20 and a further indicative £369,000 in 2020/21 This is in addition to other historic financial cutbacks to the area of Service over recent years that have reduced levels of provision in some cases and overall resilience across the Service.
- 8.2 The proposals are intended to ensure that the savings included in the MTFS can be met by securing additional income from users paying the increased charges and/or more significantly by encouraging the self-management of facilities under community asset transfer and reducing the overall maintenance and management costs to the Council. The charges users would be expected to pay compared to current fees is shown in **Appendix E**.
- 8.3 In order to achieve the full level of saving currently proposed in the MTFS it will also be necessary to review and consider a rationalisation of children's play areas throughout the County Borough and/or transfer equipped play areas to Town and Community Councils, and discussions are already progressing at the instigation of Bridgend Town Council, Coity Higher and Laleston Community Councils.
- 8.4 The current grant arrangements paid to bowling clubs as part of their self-management arrangements would also need to be discontinued and the current bowls green maintenance arrangements included in leases re-assessed.

9. Recommendation

- 9.1 It is recommended that the Committee considers and comments on the consultation responses with any recommendations being reported to Cabinet along with the outcome of the consultation report.

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Background Documents: Report to Cabinet on Playing Fields, Outdoor Sports Facilities and Parks Pavilions 18th September 2018