

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO TOWN & COMMUNITY COUNCIL FORUM

7 FEBRUARY 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

COMMUNITY ASSET TRANSFER UPDATE

1. Purpose of report

1.1 The purpose of this report is to provide representatives of the Forum with an outline of the changes to Bridgend County Borough Council's Community Asset Transfer (CAT) policy and the support and opportunities currently available to Town & Community Councils (T&CCs) to work with the Council and community groups to achieve the best management arrangements for public sector assets and services.

2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

3.1 CAT Policy

3.1.1 The CAT Task & Finish Group chaired by the Deputy Leader recommended to Cabinet in the report approved on 23 July 2019 that the priority of assets for CAT should be refined so that savings under the Medium Term Financial Strategy (MTFS) could 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

3.1.2 The Council's updated CAT Policy (see **Appendix A**) was also approved by Cabinet on 23 July 2019 and took account of the recommendations of the CAT Task & Finish Group which included:

- The introduction of a simplified "fast track" process which is applicable to all Town and Community Councils (T&CCs) and the majority of community groups wishing to progress transfers;
- The submission of income and expenditure projections for a minimum of a 5-year period should suffice for the majority of CATs but detailed business plans should still be requested for more complex projects, e.g. new builds;
- A risk based approach should be adopted for the Business Diagnostic Assessment undertaken upon community groups/sports clubs and the assets being subject to CAT.

3.2 CAT Funding & Resources

3.2.1 Cabinet approved on 25 February 2020 further measures designed to stimulate CAT activity and more importantly to ensure that assets transferred were sustainable in the medium and long term so that they could be safeguarded for future generations. In addition to capital funding already provided via the CAT Fund for building refurbishments the following measures were also introduced:

- Developing a programme of sports pitch improvement and drainage capital grants valued at £5,000 to £25,000 via the CAT Fund to ensure that prioritised sites are fit for purpose based upon independent condition assessments with £50,000 been provided from Earmarked Reserves for these reviews;
- Establishing pitch maintenance equipment grants to provide capital funding valued up to £10,000 for T&CCs and sports clubs who complete transfers to assist with the purchase of equipment to enable the self-management of associated green spaces;
- A one-off transitional grant of £5,000 for each bowls facility (Total cost £60,000 funded from Earmarked Reserves) on the condition that the bowls clubs also commit to taking over the bowls green maintenance on a day to day basis from 1 November 2020.

3.2.2 In October 2020 a Business Case for support under the Council's Change Management Fund of £266,461 was approved by the Corporate Management Board (CMB). This included the creation of three new fixed-term posts required to progress multiple CATs and to achieve the financial savings under the Medium Term Financial Strategy (MTFS):

Post	Full-Time Equivalent (FTE)	Duration of Contract
CAT Surveyor	1.0	2 Years
Green Spaces Assistant	1.0	1 Year
CAT Assistant	0.5	2 Years

3.2.3 In addition to the creation of three new fixed-term contract posts, the business case included the extension of the CAT Officer post for an additional 6 months until 30 April 2022 along with the following extra revenue funding needed to assist with the completion of transfers:

Smaller pitch and drainage improvements that cannot be classed as capital and provided for under the CAT Fund	£50K
Sundry CAT related expenditure such as Section 123 Notices and Energy Performance Certificates	£50K

4. Current situation/proposal

4.1 Overall CAT Activity

4.1.1 The CAT Officer and Business Advisers engaged via the CAT Business Support contract continued to work with T&CCs and sports clubs to progress transfers during the first and second lockdowns and in compliance with the COVID-19 restrictions by either holding outdoor meetings in line with Welsh Government guidelines, or via video / telephone conferencing.

4.1.2 All the Playing Fields & Park Pavilions that would potentially be impacted by the introduction of any new hire charges under the full cost recovery methodology are under discussion and there are other assets groups such as community centres, public toilets and play areas also being transferred to T&CCs or community groups. The current CAT activity levels as at 6 January 2022 are summarised below and detailed at **Appendix B**:

Progress Reached	Playing Fields & Pavilions	Other Asset Groups
Completed Transfers (Lease or Tenancy at Will)	7	5
Completed Freehold Transfers	0	1
Freehold Transfers being Finalised	0	1
Transfer Approved with Heads of Terms / Lease being Finalised	7	7
License to Occupy / Use	1	1
Expression of Interest Approved with Business Diagnostic Assessment & Financial Projections / Business Case being Developed	30	5
Informal Expression of Interest Received with Discussions Ongoing	10	5
Total	55	25

4.1.3 A total of 8 transfers have been completed in respect of 7 separate locations and subject to long-term self-management arrangements with community groups in respect of Playing Fields and Pavilions previously managed by the Parks Department:

Asset	Community Group	Basis of Transfer
Bryncethin Playing Fields & Pavilion	Bryncethin RFC	35 Year Lease
Pencoed Recreation Ground Pavilion	Pencoed Town Council	Tenancy at Will
Pencoed Recreation Ground Pitches	Pencoed Town Council	Licence to Occupy
Rest Bay Playing Fields & Pavilion	Rest Bay Sports	5 Year Lease
Cae Gof Playing Fields (Part of Site)	Cefn Cribwr Athletic Club (Rugby and Bowls)	6 Year Interim Lease while 35 Year Lease to be agreed when building works completed
Woodlands Park Playing Fields & Pavilion	Pencoed Athletic BGC	35 Year Lease
Penfai Playing Fields	Newcastle Higher Community Council	35 Year Lease
Cwm Garw Playing Fields	Carn Rovers FC	35 Year Lease

4.1.4 A 35 Year lease for Tudor Park Playing Fields has been agreed with Maesteg Park FC with the lease to be finalised shortly.

4.1.5 Two brief case studies of completed CATs in respect of Bryncethin RFC and Rest Bay Sports that outlines the refurbishment of facilities, local re-generation and benefits to the wider community has been included at **Appendix C** for illustrative purposes.

4.1.6 There are 10 transfers to sports clubs that should be finalised in the coming months under new long-term leases:

Sports Club / Group	Asset(s)
Blaengarw Cricket Club	Blaengarw Cricket Playing Fields
Bridgend Athletic Club	Newbridge Fields Athletic Field & Track
Bridgend Municipal Bowls Club	Bridgend Municipal Bowls Greens & Pavilion
Caerau FC	Hermon Road / Metcalf Street Playing Fields
Cefn Cribwr Football Club	Cae Gof Playing Fields (Main Pavilion, 2 x Football Pitches)
Kenfig Hill & Pyle Bowls Club	Pyle Bowls Green & Pavilion
Kenfig Hill RFC	Croft Gogh Playing Fields
Llangynwyd Rangers	Llangynwyd Playing Fields

Maesteg Harlequins RFC	South Parade Playing Fields
Ogmore Valley RFC	Ogmore Park Playing Fields

- 4.1.7 There are 7 T&CCs currently discussing the CATs of 8 playing fields and/or pavilions and it is envisaged that the majority of these will be finalised during the financial year 2022/23:

T&CC	Asset
Coity Higher	Great Western Avenue Playing Fields
Coity Higher	Litchard Cross Community Centre & Playing Fields
Cornelly	North Cornelly Playing Fields
Coychurch Lower	Coychurch Playing Fields
Laleston	Bryntirion Playing Fields
Llangynwyd Lower	Coytrahen Playing Fields
Ogmore Valley	Aberfields (the Planka)
Porthcawl	Griffin Park (including Bowls Pavilion & Greens + Play Area)

- 4.1.8 The Council has agreed the freehold transfer of Griffin Park public toilets which was completed in January 2020 and the freehold transfer of John Street public toilets is due to be finalised shortly. Both facilities were closed by the Council on 2 January 2019 and Porthcawl Town Council has re-opened both public toilets under an initial licence. Cabinet has previously approved the allocation of £35K match-funding under the T&CC Capital Grant scheme to assist with the re-development of Griffin Park public toilets. A condition survey and maintenance plan has been prepared under the CAT Business Support contract for John Street public toilets which has Grade II listed building status. Funding applications submitted by the Town Council to the CAT Fund for £50K has already been agreed and a further application under the T&CC Capital Grant scheme 2020-21 for an additional £20K has also been approved by Cabinet. Partnership working by both councils has enabled a new build at Griffin Park (opened Summer 2021) and a refurbishment of John Street which is due to be commenced shortly.
- 4.1.9 A tenancy at will has been completed with Laleston Community Council to enable the Bryntirion & Laleston Community Centre to remain open following the surrender of the lease by a local community association while the intention is for a 35 year lease that should be finalised shortly.
- 4.1.10 Pencoed Town Council have been granted a 35 year lease for the two tennis courts at Pencoed Recreation Centre that has enabled a Multi-Use Games area and Skateboard Park to be developed.
- 4.1.11 Play Areas have been or are in the process of being transferred to T&CCs which include: Coity Higher, Cornelly, Coychurch Lower, Laleston, Pencoed and Pyle. The Council encourages other T&CCs to also consider taking over the day to day management of Play Areas in their localities.

4.2 Self-Management of Bowls Greens

- 4.2.1 A total of 10 out of 12 bowls clubs agreed to undertake the self-management of 11 bowls greens from 1 November 2020 while long-term leases were being progressed.

4.2.2 The Parks Department maintained 3 bowls green during the 2021 season. Maesteg Celtic Bowls Club took over the day-to-day maintenance of the bowls green on 13 September 2021 at Garth Park which has been managed by the Council under a Deed of Dedication which is due to be surrendered when a lease is agreed between the bowls club and the landowner Maesteg Celtic. The 2 bowls greens at Griffin Park were scheduled to be transferred to Porthcawl Town Council on 1 December 2021, however, the transfer of Griffin Park has been delayed at the request of the Town Council to enable the interim agreement while the freehold transfer was being finalised to be subject to legal scrutiny. The proposed interim agreement for Griffin Park takes account of the Council's future requirements for the planned road development to sandy Bay.

4.3 Self-Management of Other Playing Surfaces

4.3.1 The progress made with bowls clubs in a relatively short period of time suggests a far wider willingness of sports clubs to undertake self-management of playing surfaces while a long-term lease for the whole site including pavilion is being finalised. Funding towards drainage / pitch improvements up to £25,000 per pitch and grants of up to £10,000 towards the cost of pitch maintenance equipment may also be a further motivation.

4.3.2 This approach also gets sports clubs more engaged with the CAT process with limited risk to the Council. A number of clubs have already expressed an interest in taking over the day-to-day responsibility of their pitch maintenance and heads of terms for self-management agreements are presently being issued for:

Playing Fields	Sports Club(s)
Croft Gogh Rugby Pitch	Kenfig Hill RFC
Evanstown Welfare Park	Gilfach Gogh RFC
Pandy Park	Tondu RFC
Llangynwyd Playing Fields	Llangynwyd Rangers
South Parade	Maesteg Harlequins RFC
Garth Park	Maesteg Celtic

4.3.3 It is envisaged that self-management of playing surfaces will commence on 1 April 2022 and the community councils of Cornelly, Coychurch Lower, Llangynwyd Lower will also be maintaining the facilities outlined at paragraph 4.1.6 from this date.

4.4 Strategic Review of 3 Major Parks

4.4.1 The Council has previously determined that its preferred option for transferring playing fields and pavilions to community groups such as T&CCs and sports clubs under the CAT programme may not always be suitable for larger sites, where the levels of public usage, numbers of stakeholders involved, and scale of investment and improvement needed is significant. The Council has accepted that alternative options should also be considered in addition to the standard CATs at three locations extensively used as public parks in addition to providing sports facilities to local sports clubs:

- Newbridge Fields;
- Maesteg Welfare Park;
- Aberfields the “Planka”, Nantymoel.

4.4.2 Just Solutions are currently assisting the Council, following a selective competitive tendering exercise in October 2020, to review and appraise the alternative options for the management of these three parks, leading to the development of a variety of preferred models and future plans.

4.4.3 The initial findings of the First Phase Review have been issued in draft and these were presented to a meeting of the CAT Steering Group on 23 June 2021.

4.4.4 Since completing the first phase of the review, Ogmores Valley Community Council has submitted an expression of interest to the Council in respect of Aberfields (the Planka) and the vision for an all-weather playing surface has been confirmed. Just Solutions attended a site meeting with the Chair and Clerk of the Community Council and CAT Officer on 8 July 2021 which has resulted in a bespoke, follow up report being prepared and issued to the Community Council on 18 August 2021. Ogmores Valley Community Council has now established a working group to progress the project and it is therefore envisaged that Aberfields will be excluded from Phase 2 of the review.

4.4.5 The findings of the First Phase Review were considered by Cabinet / CMB on 21 September 2021 so that the general direction of travel for Newbridge Fields and Maesteg Welfare Park sites can be discussed and the remit for the Second Phase Review which is due to be commenced shortly could be agreed based on the following general principles:

- (1) Projects arising from the Second Phase Review are based on legal entities that protect public open space, safeguard assets for future generations and enable investment opportunities to be maximised.
- (2) Aberfields (the Planka) should be excluded from the Second Phase Review and that Ogmores Valley Community Council should be assisted to complete the CAT of the site and develop their project further with advice and guidance under the CAT Business Support contract as required.
- (3) Determine if there is an appetite for special purpose vehicles (SPVs) such as Awen Cultural Trust and/or Halo Leisure who already manage leisure facilities in Bridgend to also have a role in the management and development of Newbridge Fields and Maesteg Welfare Park.
- (4) Consider if a more holistic approach can be adopted for the Bridgend and Maesteg areas that take into account planned developments concerning health and well-being so that common needs can be determined and facilities potentially shared.
- (5) The principle for the Newbridge Fields site are:
 - a) The involvement with our key stakeholder Bridgend Town Council should be strengthened (subject to their agreement based on discussions with the Council) for development of the main park which is predominantly used by

members of the public as well as sports clubs and should not be included under the CAT programme. The feasibility of establishing a board / user group which represent stakeholders should be considered;

- b) The viability of sports clubs undertaking CATs of pavilions and rugby and football pitches at discrete / self-contained parts of the site should be explored further;
 - c) The feasibility of developing additional new facilities such as changing rooms, grass pitches and possibly a 3G / 4G pitch that could also be utilised by local schools should be assessed including land title and planning issues and appropriately costed to determine financial viability.
 - d) The Council enables sports clubs to progress interim repairs to the Bandstand and South pavilion while the strategic review on Newbridge Fields and recommendations / outcomes are progressed subject to the clubs concerned taking over the short-term management of these facilities to enable funding under the CAT Fund to be released.
- (6) The principles for Maesteg Welfare Park that:
- a) The Council works in partnership with Maesteg Town Council and Friends of Maesteg Welfare Park (subject to their agreement based on discussions with the Council) to develop facilities and achieve the best outcomes and the formation of a Board / user group similar to Newbridge Fields should be considered.
 - b) The feasibility of improving existing facilities such as the main and bowls pavilions, tennis courts, pathways, park furniture and lighting as well as an assessment of the future sports requirements at the site should be assessed and appropriately costed to determine financial viability.
- (7) The remit for the Second Phase Review should be developed in consultation with Just Solutions to take account of the principles agreed by Cabinet / CMB and enable appropriate frameworks for individual strategies for Newbridge Fields and Maesteg Welfare Park to be progressed.

4.5 CAT Staff Resources

4.5.1 The CAT Green Spaces Assistant took up their post with the Parks Department on 12 April 2021 and the CAT Surveyor, whose post provides assistance to the Asset & Compliance Surveyor, commenced within the Corporate Landlord Section on 6 September 2021 but sadly resigned at the end of December to relocate to London. A CAT Assistant to support the CAT Officer was appointed on 27 September 2021.

4.6 Conclusion

4.6.1 The Council takes a flexible and adaptable approach, whenever that is possible, when determining the most appropriate form and duration of a transfer.

- 4.6.2 The level of engagement with T&CCs and sports clubs outlined at sections 4.1 and 4.2 has been good with all sports related facilities being subject to discussions surrounding self-management arrangements.
- 4.6.3 The Council wishes to continue to work in partnership with T&CCs and encourages them to consider entering into more discussions relating to the CAT of playing fields, pavilions, play areas and community centres and the provision of services such as grass cutting to ensure the best outcomes can be achieved to benefit our local communities.
- 4.6.4 The Council would also like to expand its collaboration with T&CCs both formally and informally, to foster a culture of joint working, recognising the extremely important role that T&CCs can play in helping to manage and maintain facilities and services that otherwise may come under threat from future budget cuts. The Council also acknowledges that in some cases, because of their direct link to local communities and community groups, T&CCs may be better placed to work in partnership at a local level to develop long-term sustainable solutions.
- 4.6.5 The Council has identified other enhancements to its support mechanisms such as pitch / drainage improvements and equipment grants that may also be needed in addition to grants already provided to refurbish buildings such as pavilions to ensure that self-management can be completed successfully.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA at this stage.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The Council is committed to promoting sustainable development and to discharge our duties under the Well-being of Future Generations (Wales) Act 2015. Bridgend County Borough Council wishes to promote CATs of its playing fields and sports pavilions to either T&CCs or relevant sports groups to ensure that existing users are not required to pay any increased charges. The proposals seek to take into consideration the long-term sustainability of sports facilities in the County Borough and recognises the importance of such facilities in delivering a healthier Wales and the role these facilities have in a Wales of cohesive communities. In light of increasing budget pressures, taking an integrated approach to the way the Council operates these kinds of facilities is vital. The report outlines how T&CCs, sports clubs and community groups can have an involvement in the development of collaborative working opportunities to ensure the long-term sustainability of the facilities and the Council's ability to fund other services.

7.2 The required Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is outlined below in respect of the Council's CAT policy and processes:

Long-term	Supports the corporate priorities of the Council outlined at paragraph 2.1.
Prevention	Ensures the assets and services threatened by financial austerity can continue to be used by the community and promote healthier lifestyles and general well-being.
Integration	Enables the Council to work in partnership with T&CCs, sports clubs, community groups, other stakeholders and the wider community to meet local needs in a more holistic way.
Collaboration	The proposals have been developed and will be delivered through a strong partnership between BCBC, T&CCs and relevant stakeholders.
Involvement	The proposals will be delivered in close partnership with a range of local stakeholders including T&CCs, community groups and current users.

8. Financial implications

8.1 The financial implications of the Council's current CAT activities and additional measures aimed at supporting sports clubs and stimulating transfers, in addition to any future capital funding agreed to replenish the CAT Fund, are reflected in the report originally considered by the Cabinet on 25 February 2020 and summarised below as follows:

Usage of Funding	Required Funding		Financial Year Approved
	Capital	Revenue	
Commissioning Pitch Condition Surveys	-	£50,000	2020-21
Transitional Grants for Bowls Sites	-	£60,000	2020-21
Change Management Funding	-	£266,461	2020-21

9. Recommendation(s)

9.1 Members of the Town and Community Council Forum are recommended to note the Council's:

9.1.1 Revised CAT Policy designed to simplify the process and reduce delays.

9.1.2 Associated funding under the CAT Fund that has been set aside to encourage and support the transfer of Priority 1 assets.

9.1.3 Recognition that community owned and managed models of delivery can reinvigorate community assets and can be devolved to the local level in which

they operate. The success of CAT is dependent on the proactive participation of willing participants – T&CCs and community groups - together with their ability and capacity to manage the asset.

9.1.4 Commitment and willingness to engage with T&CCs and community groups to progress CATs.

Janine Nightingale
CORPORATE DIRECTOR - COMMUNITIES
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Contact officer: Guy Smith
CAT Officer

Telephone: (01656) 815323

Email: Guy.Smith@bridgend.gov.uk>

Postal address: Bridgend County Borough Council, Communities Directorate,
Civic Building, Angel Street, Bridgend, CF31 4WB

Background documents:

None