

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

14 MARCH 2023

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

TENNIS COURT IMPROVEMENTS AND COMMUNITY ASSET TRANSFER FUND CHANGE OF USE

1. Purpose of report

1.1 The purpose of this report is to seek approval from Cabinet to:

- Extend the scope of the Community Asset Transfer (CAT) Fund to include the development and refurbishment of assets / facilities currently or formerly maintained by the Parks Department that can not readily be subject to a CAT due to issues such as land title, where a minimum of 25% external match-funding has been secured;
- Allocate £50,000 from the CAT Fund to enable three tennis courts at Maesteg Welfare Park to be refurbished in partnership with the Lawn Tennis Association (LTA) at a total cost of £201,282;
- Allocate up to £151,065.09 (current cost £137,331.90 + 10% contingency) from the CAT Fund to enable two new tennis courts to be developed at Griffin Park, Park in partnership with the LTA with a match-funding contribution of £53,476.00 being secured;
- Allocate £3,900.00 from the CAT Fund to enable two tennis courts at Heol-y-Cyw Playing Fields to be refurbished in partnership with the LTA at a total cost of £59,868.06.

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**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **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

Tennis Court Improvements

- 3.1 The LTA Park Refurbishment Programme will refurbish park courts across the UK having received £21.9 million of funding directly from UK Government's Department for Digital, Culture, Media & Sport (DCMS) and an additional £8.4 million from the LTA Tennis Foundation to deliver the programme by March 2024. This funding is aimed at public parks and working in partnership with local authorities.
- 3.2 The LTA have assessed tennis facilities falling under the responsibility of Bridgend County Borough Council (BCBC) and have determined that there are 4 viable sites that should be resurfaced based upon their own condition surveys and an assessment of demand. The proposed works have been assessed by the contractor appointed under the LTA framework agreement, and the LTA Funding Panel confirmed the following costs and suggested financial contributions from BCBC at their meeting held on 10 February 2023:

Location	Number of Tennis Courts	Total Cost	LTA Funding	BCBC Contribution	Proposed Source of BCBC Funding
Maesteg Welfare Park	3	£201,281.62	£151,281.62	£50,000.00	CAT Fund (see Para. 4.3)
Griffin Park	2	£190,807.90	£53,476.00	£137,331.90	CAT Fund (see Para. 4.4)
Caedu Park, Ogmores Vale	2	£67,512.10	£67,512.10	Nil	n/a
Heol y Cyw	2	£59,868.06	£55,968.06	£3,900.00	CAT Fund (see Para 4.5)
Total	9	£519,469.68	£328,237.78	£191,231.90	

- 3.3 The proposed tennis court improvements would need to be commissioned by BCBC under a framework agreement that has been arranged by the LTA and assessed by our Procurement and Legal Services teams to determine compliance with BCBC procurement regulations.
- 3.4 Porthcawl Town Council submitted an expression of interest (EOI) for a freehold transfer of Griffin Park and Play Area under the Council's CAT programme on 2 December 2019. The EOI was duly approved by the CAT Steering Group on 19 December 2019 on the basis of initial lease agreements prior to a freehold transfer being agreed while the proposals for the Porthcawl Waterfront Regeneration: were being finalised.

- 3.5 The transfer of Griffin Park and Play Area was completed under initial lease agreements on 7 July 2022 with a proposed freehold transfer still to be agreed. Porthcawl Town Council is responsible for the day-to-day maintenance of these facilities.

CAT Fund

- 3.6 The Council originally set aside capital funding of £1 million in February 2014 in the capital programme for works to refurbish pavilions, to encourage CATs and assist in ensuring that assets become sustainable. The scope for this funding was subsequently widened to also include building works undertaken on other Council facilities such as community centres and public toilets, to support the CAT process and ensure that as many buildings as possible could be kept open and provide long-term community benefits.
- 3.7 Under the revised CAT 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 sums in excess of this threshold being required to be referred to Cabinet for approval.
- 3.8 Cabinet agreed a range of measures designed to stimulate the CAT Programme on 25 February 2020 when approving the Playing Fields, Outdoor Sports Facilities and Parks Pavilions and Community Asset Transfer report which included:
- (1) A commitment to replenishing the £1 million CAT Fund as and when necessary, subject to the availability of finite capital resources, to encourage transfers and meet demand particularly where value for money can be clearly demonstrated post CAT;
 - (2) Extending the CAT Fund to include the maintenance of playing fields so that pitch and drainage surveys can be undertaken along with capital grants to enable pitch improvements and self-management and thereby increasing the chances of long-term sustainable CATs by:
 - Developing a programme of sports pitch improvement and drainage capital grants valued at £5,000 to £25,000 per playing surface to ensure that prioritised sites are fit for purpose based upon independent condition assessments.
 - Establishing pitch maintenance equipment grants to provide capital funding valued from £5,000 up to £10,000 for Town and Community Councils (T&CCs) and sports clubs who complete transfers to assist with the purchase of equipment to enable the self-management of associated green spaces.
- 3.9 Cabinet / Corporate Management Board (CCMB) recommended on 5 October 2021 that the CAT Fund should be topped up by £500,000 and this was approved by Council and included in the Capital Programme in January 2022.
- 3.10 Cabinet and the CAT Steering Group has, to date, allocated funding totalling £1,194,676.96 from the £1.5 million CAT Fund which is summarised in the table below and detailed at **Appendix A**:

Purpose of Funding	Total Allocations	Spend to Date	Commitments
Building Refurbishment / Development	£804,135.71	£532,142.62	£271,993.09
Maintenance Equipment	£184,175.22	£150,025.22	£34,150.00
Pitch & Drainage Improvements	£174,952.99	£107,319.07	£67,633.92
Miscellaneous*	£31,413.04	£17,433.04	£13,980.00
Total	£1,194,676.96	£806,919.95	£387,375.01

* Additional funding awarded to sports clubs and town and community councils via CAT Fund submitting funding applications under the Bridgend Sports Support Fund 2021-22 and Town & Community Council Capital Grant scheme that were over subscribed (see Appendix A for details)

4. Current situation/proposal

Match-funding to support LTA Park Refurbishment Programme Investment

- 4.1 The LTA is proposing that the refurbishments at Maesteg Welfare Park, Caedu Park and Heol-y-Cyw should be undertaken at the end of March / early April 2023. The Council has requested that the potential development of new tennis courts at Griffin Park should be delayed until September 2023 so that community engagement and planning permission can be progressed.
- 4.2 The proposed refurbishments have been discussed at recent meetings of the CAT Steering Group (CSG) with a clear willingness that the financial contribution of £50,000 towards the cost of improving Maesteg Welfare Park should be funded by the CAT Fund. The financial contribution required from BCBC does not fit the current criteria for the CAT Fund as set out in 3.6 and 3.8 as tennis courts are not one of the prioritised areas for CAT, and furthermore no financial savings would be achieved should the Parks Department cease to maintain these facilities with them being managed by a third party such as Tennis Wales. Under such an arrangement the third party would retain any income from hire and be responsible for day-to-day maintenance of the facilities. The tennis courts would be enclosed by fencing and accessed by a key coded gate. As a guide, family passes currently cost £39 per annum and free usage and coaching would be available. The LTA has required any third party taking on the day-to-day running of tennis facilities Park Refurbishment Programme to provide a commitment to run free organised activity on a Saturday or Sunday at 10 a.m. linked to new free offer being developed and it envisaged that such an approach would be adopted for the proposed improvements to sites across BCBC. It should also be noted that the Parks Department would retain responsibility for the day-to-day management of the remaining two tennis courts that are not currently planned to be refurbished and are in a poor condition and will need to form part of the strategic review of Maesteg Welfare Park going forward.
- 4.3 The CSG fully accepts that the £50,000 investment required from BCBC to refurbish three tennis courts does not provide the financial savings that can be attributed to regular CATs. However, the benefit to the community also needs to be considered, alongside the wider improvements required at Maesteg Welfare Park as part of the

Council's ongoing strategic review of major parks which needs to be developed and approved in due course with the proposed improvements to the tennis courts being seen by the CSG as the first phase of improving facilities and attracting significant inward investment. The Council's proposed contribution equates to 24.8% of the total project cost of £201,281.62 with potential funding from the LTA totalling £151,281.62 potentially being lost should the Council be unable to provide the suggested match-funding.

- 4.4 The land where the two existing tennis courts at Griffin Park are located will be required for the proposed new road development which forms a part of the Porthcawl Waterfront Regeneration project. The Council has previously confirmed its commitment that new replacement tennis courts need to be in place prior to the old facilities being decommissioned and the LTA has agreed in principle to provide funding of £53,476 for the new facilities which are currently estimated to cost £190,807.90. The LTA proposed contribution reflects the cost that would have been incurred to refurbish the existing tennis courts. It is proposed that the new tennis courts should also be funded from CAT Fund but that a contingency of 10% should be added to the contribution of BCBCt to take account of possible price increases and unforeseen costs which would be a maximum of £151,065.09 (current cost £137,331.90 + 10% contingency). No financial savings that can be attributed to regular CATs will be achieved from funding the new tennis courts at Griffin Park from the CAT Fund.
- 4.5 The LTA are requesting a contribution of £3,900 for the improvements at Heol-y-Cyw and it is proposed that this match-funding should also be provided from the CAT Fund.
- 4.6 The proposed LTA funding of £328,237.78 equates to 1% of total budget funding of £30.3m that is available for LTA Park Refurbishment Programme which will assist in ensuring that Bridgend will have tennis facilities that can be utilised by future generations should Cabinet approve the funding contributions requested.

Extending the Scope of the CAT Fund

- 4.7 The Parks Department may have day to day management responsibility for assets, such as green spaces that are not formally owned by BCBC because they have historically not been adopted following transfer from property developers or registered with the Land Registry following local government reorganisation. Such assets cannot be considered to be CATs even when day to day responsibility for managing such assets are transferred to a community group. The transfer of such assets may only achieve small financial savings to the Parks Department and also have limited scope for investment under the Council's Capital Programme and as such often fall into disrepair and possible decommissioning to the detriment of the community and its future generations.
- 4.8 The CSG would wish to extend the scope of the CAT Fund to include the development and refurbishment of assets / facilities currently or formerly maintained by the Parks Department that cannot readily be subject to a full CAT due to issues such as land title, where a minimum of 25% external match-funding has been secured. This approach will assist in ensuring that such assets can be improved for the benefit of the community particularly where BCBC is able to work in partnership with Town and

Community Councils (T&CCs), the governing bodies of sports and Sports Wales in securing external funding.

5. Effect upon policy framework and procedure rules

- 5.1 There will be no direct effect on the CAT policy that was approved by the Cabinet on 23 July 2019. The procedure rules for funding under the CAT Fund would need to be updated to reflect the inclusion of funding to assets / facilities subject to minimum match-funding of 25% outlined at paragraphs 4.7 and 4.8 which would include the tennis court improvements at Maesteg Welfare Park, Heol-y-Cyw Playing Fields and Griffin Park that would not currently qualify under the criteria for the CAT Fund.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

- 7.1 The Council is committed to promoting sustainable development and to discharge its duties under the Well-being of Future Generations (Wales) Act 2015. 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 proposed funding allocation for the tennis courts at Maesteg Welfare Park and extending the scope of the CAT Fund:

Long-term	Supports the well-being objectives/ other 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 / current users and the national governing bodies.

8. Financial implications

- 8.1 Unallocated funding of £305,323.04 is presently available under the CAT Fund based upon the original allocation of £1 million and top-up of £500,000 approved by Council in January 2022 and total funding of £1,194,676.96 already earmarked or expended (see paragraph 3.10 and CAT Fund Allocations at **Appendix A**). The allocation of £50,000 and £3,900.00 towards the cost of tennis court refurbishments at Maesteg Welfare Park and Heol-y-Cyw Playing Fields respectively and up to a maximum of £151,065.09 for new tennis courts at Griffin Park, would reduce the balance of unallocated funding to £100,357.95.
- 8.2 Cabinet has previously indicated that the CAT Fund should be replenished to encourage CATs, subject to the availability of finite capital resources, so that assets can be developed and safeguarded for future generations, particularly where value for money can be clearly demonstrated. It is intended that a report highlighting the outcomes and benefits already achieved under the CAT programme will be submitted for consideration to the Cabinet / Corporate Management Board along with a business case to request additional funding under the Capital Programme where deemed appropriate. Any additional requests for Capital funding would also have to seek approval from Council.

9. Recommendations

Cabinet is requested to:

- 9.1 Approve the scope of the CAT Fund be extended to include the development and refurbishment of assets / facilities currently or formerly maintained by the Parks Department that can not readily be subject to a CAT due to issues such as land title, where a minimum of 25% external match-funding has been secured;
- 9.2 Approve the allocation of £50,000 under the CAT Fund to enable three tennis courts at Maesteg Welfare Park to be refurbished in partnership with the LTA at a total cost of £201,282, subject to Cabinet approving the extension of the scope of the CAT Fund;
- 9.3 Approve the allocation of up to a maximum of £151,065.09 (current cost £137,331.90 + 10% contingency) under the CAT Fund to enable two new replacement tennis courts to be developed at Griffin Park with the LTA providing match-funding of £53,476.00 to the total cost of the project currently estimated to be £190,807.90, subject to the outcomes of community engagement and planning permission, and Cabinet approving the extension of the scope of the CAT Fund;
- 9.4 Approve the allocation of £3,900 under the CAT Fund to enable two tennis courts at Heol-y-Cyw Playing Fields to be refurbished in partnership with the LTA at a total cost of £59,868.06, subject to Cabinet approving the extension of the scope of the CAT Fund.

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Background Papers:

None