

Meeting of:	Cabinet
Date of Meeting:	Thursday, 02 February 2023
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Reshaping Services: Single Use Sports Facilities
Purpose of Report:	To update Cabinet of progress to date on the transfer of single use Sports Facilities and to seek approval to progress further transfers.
Report Owner:	Cabinet Member for Leisure, Sport and Wellbeing
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	Operational Manager, Property Committee Reports - Legal Commercial and Performance Officer Accountant - Neighbourhood Services and Buildings Equalities Operational Manager, Accountancy Neighbourhood Services - Operations
Policy Framework:	This Report is a matter for Executive decision by Cabinet.
Executive Summary:	
<ul style="list-style-type: none"> • The Council has successfully completed the first stage of its planned transfers of outdoor sports sites with all bowls clubs now operating independently of the Council. In addition, progress has also been made with Barry Rugby Club with Cabinet previously agreeing the transfer of responsibilities via a mixture of Lease and Licence shortly to be completed. • In the course of working through the principles of the transfer with Barry Rugby Club, the Club has requested that consideration be given to transferring a larger section of the Merthyr Dyfan Recreation Ground and this is addressed via this report. • Due to the effects of Covid on many sporting clubs, the planned phase 2 of transfers was delayed to allow clubs to return to a more regular operating position. • Several single user clubs and other public and third sector organisations are now keen to progress with transfers. This is most likely due to them realising the external funding 	

opportunities that can become available to them by having leases / licences for their grounds, thus enabling the successful long term future of the buildings and land for local sport.

- The next phase of transfers proposed are detailed in this report and permission is now sought to progress with these transfers.
- The transfers reduce the ongoing financial commitments for the Council but as importantly they allow for more localised decision making as to how the assets should be used. They also provide grant funding opportunities for asset improvements that would otherwise not be available.
- Whilst the principles of the transfers remain the same there are variables and differences with each particular transfer that will require a certain level of negotiation, hence the request for the use of delegated powers to agree the final details of each.
- In certain cases there is a requirement to formally dispose of some land which would be leased to the clubs, as is the case with the various Bowls Club transfers and Barry Rugby Club. There are specific legal processes for this and these are detailed within the Report.
- The proposed transfers align fully with the principles of sustainable development and are aimed at ensuring the best long term futures for these important community assets.

Recommendations

1. That Cabinet notes the significant and positive progress made in relation to single user sports grounds facilities to date.
2. That subject to Recommendations 3 and 4, the Director of Environment and Housing, in consultation with the Cabinet Member for Leisure, Sport and Wellbeing, be authorised to negotiate the transfer of the sites detailed in this Report namely: Penarth Athletic Club, Old Penarthians Rugby Club, Wick Pavilion, St. Brides Pavilion, Island Marine Football Club, Llantwit Major Football and Cricket Clubs, Vale United Football Club and Barry Rugby Club with the objective of completing transfers by 1st September, 2023.
3. That authority is delegated to the Monitoring Officer/Head of Legal and Democratic Services to advertise the proposed disposals in accordance of s123 (2A) Local Government Act 1972 and Regulation 5 of the Playing Field (Community Involvement in Disposals Decisions (Wales) Regulations 2015 where relevant.
4. That any objections to the land disposals proposed are reported separately to Cabinet for consideration prior to any final decision being taken and that, should no objections be received, matters progressed as detailed in this report.
5. That subject to recommendations 3 and 4, the Monitoring Officer/Head of Legal and Democratic Services in consultation with the Head of Finance/Section 151 Officer and Director of Environment and Housing Services, be authorised to prepare execute and complete the required leases.
6. That Cabinet receives a further report on this matter after 1st September, 2023.

Reasons for Recommendations

1. To make Cabinet aware of progress being made.
2. To allow further transfers to progress as promptly as possible.
3. To meet with the requirements of the relevant legislation.
4. To permit any objections to the advertisement process to be properly considered prior to any decisions being taken to enter into leases.
5. To authorise the completion of the necessary documentation.
6. To provide a further update in relation to other planned transfers.

1. Background

- 1.1 As part of the Council's Reshaping Services programme, at its meeting of 2nd July, 2018 Cabinet resolved:

(1) T H A T it be agreed in principle for referral to Community Liaison Committee and Scrutiny Committee (Healthy Living and Social Care) that the Council works towards recovering the actual cost of maintaining sports grounds and pitches at

sites where the facilities are used almost exclusively by one club or organisation rather than retaining a charging structure where individual fees are applied at each location.

(2) T H A T it be agreed in principle as the basis for referral to Community Liaison Committee and Scrutiny Committee (Healthy Living and Social Care) that any Club or Organisation that are single users of Council facilities be given the opportunity to maintain the facilities themselves if they do not wish to pay the Council the cost of maintaining the facilities provided this is to a satisfactory standard as assessed annually by the Director of Environmental and Housing Services.

(3) T H A T the report be referred to the Community Liaison Committee and Scrutiny Committee (Healthy Living and Social Care) for consideration prior to reaching a final determination.

(4) T H A T subject to resolutions 1 - 3 above, delegated authority be granted to the Director of Environment and Housing to progress discussions in relation to all single use sites as listed in Appendix A attached to the report, and subsequently, in consultation with the Cabinet Member for Social Care, Health and Leisure to agree new arrangements for the facilities listed in Appendix 'A' so that they be implemented on 1st April, 2019 with a view to achieving a better balance between recovering the actual operating costs and promoting active lifestyles.

(5) T H A T delegated authority be granted to the Head of Finance in consultation with the Cabinet Member for Social Care, Health and Leisure and the Cabinet Member for Performance and Resources to renegotiate arrangements with organisations with regards to their usage of a Council owned facility.

(6) T H A T delegated authority be granted to the Head of Legal Services to draft and execute revised agreements where appropriate.

(7) T H A T the development of revised new Community asset transfer processes, including development of a 'fast track system' to support this and other initiatives and this will be brought to Cabinet in due course be noted.

(8) T H A T a further report be brought to Cabinet prior to 1st April, 2019 to provide an update of the situation and to provide details of any single user outdoor sports facilities where the current user did not wish to continue using the facilities under the proposed new arrangements.

(9) T H A T a further report setting out options in order to reduce the levels of revenue subsidy at multi-use outdoor sports sites be presented to Cabinet before the 31st December, 2018.

1.2 The first phase of this project involved the transfer of the Council's Bowling clubs to the Clubs themselves and this phase is substantially complete. Phase two of

the transfer timetable commenced prior to the COVID-19 pandemic. The pandemic forced a delay to this work as clubs in phase two were subject to lockdown restrictions which meant they were not able to generate any income. To transfer facilities to a self-management model in such circumstances was considered inappropriate.

- 1.3** Some discussions have however continued during the pandemic and clubs identified in phase 2 of the original report in February 2019 are aware that change is likely to occur when clubs are able to begin operating as normal again. Interestingly the Bowls clubs that had already transferred have in the main been successful in attracting financial support during the pandemic and remain in a strong position when facilities reopened. A transfer including both a lease for the first team pitch and a licence for the remainder of the area is presently being progressed at Barry Rugby Club and the advertisement in relation to the disposal of Public Open space did not attract any objections following a report to Cabinet 24th February, 2022 (Minute C825). However, recently a request has been received from the Club to give consideration to transferring a larger section of the Merthyr Dyfan Playing Fields to the Club, to better suit their longer term development plans for sport and community uses. This is detailed shortly.
- 1.4** The main focus of this work has been to reduce operating costs within the Parks section whilst allowing for greater development of sporting clubs who have often been restricted in new developments by operating at Council operated sites.
- 1.5** Following the establishment of the Leisure Management Contract in 2012 the focus of savings transferred to single use sports facilities where the Council has traditionally subsidised club activities by maintaining pitches and buildings that were essentially used by one organisation, whilst other clubs with their own facilities received no such subsidies.
- 1.6** In order for clubs to transfer to a self-management model they normally require some form of security of tenure that allows them to access grants and other forms of income. The Bowls clubs, often by diversifying, have proved that clubs can operate more efficiently and effectively outside of a reliance on Council subsidies. The proposals suggested in this Report are common to other Councils throughout Wales.

2. Key Issues for Consideration

- 2.1** Cabinet will be aware that the proposed transfers discussed within this Report are potentially more complicated than the Bowls clubs were, as in the main, self-contained facilities could be easily separated from other users of other areas. Many of the proposals under consideration in this Report are on public open space and in order to provide opportunities for clubs to improve their facilities some specific requests have been made by certain clubs. These include, having exclusive use of one pitch on multi pitch sites that would mean the disposal of

public open space; allowing to fully enclose one sports pitch on their sites whilst maintaining the other pitches and allowing the continued use of these by the public. In such cases one pitch would be leased to the club, (as has been the process with the Barry Rugby Club to date), whilst other pitches are licenced for their use. Clubs have also requested long leases for the pitches in their direct control to assist with attracting grants to improve the facilities.

- 2.2** However, given the effects of the pandemic, the complexities of some of the proposed transfers, the need to prevent unnecessary delays, etc. it is now proposed to progress the transfers that have been most requested by the various clubs and organisations and to do so utilising delegated authority due to the nature of the individual negotiations.
- 2.3** These clubs / organisations are Penarth Athletic Club, Old Penarthians Rugby Club, Wick Pavilion, St Brides Major Pavilion, Island Marine FC, Llantwit Major Football and Cricket clubs and Vale United FC. In addition, emergency powers have already been requested to extend the lease and Licence for Caerau Ely Football club to enable them to benefit from a grant offer from the Football Association of Wales. Barry Rugby Club have also requested a further change to their permissions that would allow a greater area to be leased directly to them.
- 2.4** Each of these clubs and organisations have clear plans that are dependent on having a lease for at least some of their facilities, as this will enable them to apply for external funding. A breakdown of each clubs' aspirations is detailed below:
- 2.5** **Penarth Athletic Club** - The Club is seeking a long lease, (length to be determined), for the facilities. They would like the Council to remain responsible for the boundary wall and fence under the lease arrangement. They would also require their existing lease for the clubhouse to mirror the new lease in length. Due to the complexity and costs associated with looking after the cricket square at the Athletic Field, that is kept to a very high quality, the Club has also requested some initial prime funding reducing over 3 years to enable them to adjust to the proposed new arrangements. An agreement on this will be subject to discussions with the Director of Environment and Housing Services and the Cabinet Member for Leisure, Sport and Wellbeing as per the recommendations. Further conversations have also been requested on the trees at the site to ensure that they are properly looked after and maintained by the Council. At present the Athletic Club is one of the most expensive Leisure facilities operated directly by the Council. A subsidy of approximately £60,000 per annum is required to operate this site. This figure excludes overheads which can't be directly attributed to the site. It would be expected that the majority of this cost will be saved after 3 years once any initial prime funding has ended. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 1.

- 2.6 Old Penarthians Rugby Club** - The Club is seeking a long lease for their primary pitch and training area and a licence for the additional pitch. This would mean that the Council still has responsibility for the football pitch at the site and the remainder of public open space. The present subsidy at this site is estimated at £2,000. As the Council will continue to maintain some of the area a saving of approximately £1,000 is estimated. The planned area for the lease demise is shown as the red line boundary on the plan, with the blue line boundary showing the area to be licenced, attached at Appendix 2.
- 2.7 Wick Pavilion** - Discussions have been on-going with the Community Council in relation to this building which is now surplus. Work has been completed on the roof at the site and the proposal is to offer the Community Council a full repair and maintain lease. This will enable them to apply for grants to refurbish the building to their requirements. An indemnity, similar to that applied to the transfer of the Bowls facilities, has also been requested for 5 years to safeguard against any structural or boiler issues. Presently the Council does not have a requirement for this building and approximately £7,000 (excluding overheads) is spent per annum on maintaining and managing the site. Some of these costs will remain as they are only a proportion of a vehicle or a full time equivalent member of staff therefore it is assumed that a saving of around £3,500 can be made at this site. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 3.
- 2.8 St Brides Major Pavilion** - A request has been made by the community in relation to transferring this site that is also surplus to Council requirements. The process, although similar to that proposed for the Wick pavilion, will require a Community Association to be formed as it understood the Community Council would not be interested, although this does need to be discussed in more detail. Again the Council has no use for this site but is it presently costing approximately £5,000 per annum to maintain and manage. Some of these costs will remain as they are only a proportion of a vehicle or a full time equivalent member of staff therefore it is assumed that a saving of around £2,000 can be made at this site. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 4.
- 2.9 Island Marine FC** - Discussions have taken place with the club in relation to providing them with a lease for their clubhouse with a slight increase in the boundary of the existing building to allow them to expand the facilities in the future if funding becomes available. This would be subject to the necessary consents being granted, such as planning. The pitch would however be subject to a licence arrangement and remain as public open space when football is not being played. It is estimated that cost savings of around £1,500 per annum can be made at the site. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 5, with the areas with a blue boundary to be licenced to the club for their use and maintenance.

- 2.10 Llantwit Major Football and Cricket Clubs** - The situation at Llantwit Major is slightly complicated by the junior and senior football clubs being separate organisations. The senior football club are keen to have a lease for The Pavilion and the first team pitch but provision must be made within any lease to protect other users. Licences for the remaining pitches are difficult to issue due to the different clubs using facilities, but a licence for the cricket square, to transfer expensive maintenance costs to the club is seen as vital as part of any agreement. The site at Llantwit Major is presently costing approximately £50,000 per annum. Some of these costs will remain as they are only a proportion of a vehicle or a full time equivalent member of staff and some areas will still require the Council to maintain therefore the expectation is that approximately £25,000 of this cost can be saved. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 6 with the areas with a blue boundary to be licenced to the club for their use and maintenance.
- 2.11 Vale United FC** - The club have successfully brought the facilities at this site back into full use and are now looking for a lease on the building and a licence for the pitches. There is an opportunity for more community use at this site and it is proposed to investigate the possibly of inserting clauses into a lease that promotes this and provides free use at certain times to groups approved by the Council. At present this site is costing approximately £5,000 to maintain and manage. Some of these costs will remain as they are only a proportion of a vehicle or a full time equivalent member of staff therefore it is assumed that a saving of around £2,500 can be made at this site. The planned area for the lease demise is shown as the red line boundary on the plan, attached at Appendix 7 with the areas with a blue boundary to be licenced to the club for their use and maintenance.
- 2.12 Barry Rugby Club** – The Club has requested that further consideration is given to allowing the proposed lease area to be extended. The Club’s request is based upon the following points:
- Enhancing the sporting facilities and offering at the Reservoir Fields, for and to a wider community on a multisport basis, but with rugby roots bias
 - Limiting VOGC’s liability for the area
 - Enabling the club to be a truly sustainable venue, offering and reaching out to our community on multiple engagement levels. Safely, with security of venue and allowing festivals and multi day activities to develop and flourish
 - Securing the youth provision which we have been very proactive about implementing within the club house, as well as a “Warm hub”
 - Fully supportive of Council policies around connecting communities – the proposal picks up the new proposed PROW (Public Right of Way) diversion which was effectively redundant (the old route) and transforms it into a connected route from 3 or 4 separate community spaces/areas

- Improved the field to provide better ecology with localised rewilding permitted along the combined footway, increasing biodiversity in an area which although green, has limited diversity.
- Permitting space to plant and nurture trees, without mentioning carbon, they can be sensitively introduced to maintain screening and noise curtailment.
- Developing, inside the proposed boundary an area for a community garden/allotment initiative. This could be extended to the proposed path and surrounding areas.
- An offer to collaborate with the VOGC to enhance their own initiatives around children and sport in a safe secure environment.
- A proposal that is fully supportive of, compliant with, and underpins The Wellbeing of Future Generations Act
- And it allows the 5 ways of working within that act to drive our policy and decisions, which we use at committee level.

2.13 A drawing showing the new request from the club is attached at Appendix 8.

2.14 Jenner Park - a separate report on future management options for Jenner Park is currently being prepared following an external report on potential options.

2.15 Other sites - It is likely that the possibility of other sites transferring to a self-management model will emerge as the process progresses. These will be reported to Cabinet as appropriate.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 The fees for the use of sports facilities in the Vale of Glamorgan do not currently cover the costs associated with providing and maintaining the facilities. These proposals are put forward to better guarantee the future provision of outdoor sports facilities in the area. The Council continues to manage the facilities in the context of significantly diminishing resources and increasing competition whilst seeking to promote the benefits of sports and activities for well-being. These are put forward to develop an approach where resources will be used sustainably to have a maximum impact, while working to improve physical activity in the Vale over the longer term.

3.2 Through amending the approach to the funding of outdoor sports provision, these proposals are seeking to guarantee the continuation of a Council service into the future thereby hopefully preventing an inability to provide this service as resources became less and less over time.

3.3 The proposals in this Report will enable the Council to continue to work towards the Well-being Outcome, An Active and Healthy Vale and in particular work being

undertaken to deliver our objective 'encouraging and promoting active and healthy lifestyles. Activities will also contribute to our objective of 'reducing poverty and social exclusion'. In delivering these objectives the Council will also be contributing to all of the national well-being goals, in particular 'a healthier Wales'.

- 3.4 Through the Council's transformational change programme, Reshaping Services, we have sought to ensure priority services are maintained at a time of budgetary constraints. By identifying new ways of working, these proposals build on existing work undertaken through Reshaping Services and ensure that the Council can continue to work towards the delivery of our Well-being Objectives.
- 3.5 The proposals in this Report are consistent with Council's Corporate Plan and the Neighbourhood Services and Transport Service Plan (2022/23).

4. Climate Change and Nature Implications

- 4.1 All transfers need to contribute to the Council's Project Zero to tackle the climate emergency and contribute to reducing the Council's carbon emissions to net zero by 2030 wherever practical.
- 4.2 Sports facilities offer the opportunity for people to keep fit as well as active and support will be given to sports clubs to ensure that their facilities are accessible by cycling and walking with infrastructure such as cycle racks.
- 4.3 By finding alternative operating models for outdoor sports facilities can minimise energy consumption which is often needed in greater amounts for indoor leisure facilities.

5. Resources and Legal Considerations

Financial

- 5.1 Financial savings of £129k for Single use sports pitches have already been allocated to the existing base budget during 2020/21 and implementation of the proposals will help achieve this sum. Each transfer will need to consider the impact on any existing maintenance regimes, equipment, as well as staff. It is anticipated that the transfers will also protect the long term future of the sites for sporting purposes.

Employment

- 5.2 As a result of transfers employment implications could occur. These will become clearer once transfers are confirmed and will be dealt with accordingly including early consultation and discussion with the relevant trade unions. However, the expectation is that there will not be any compulsory redundancies with the potential option for redistribution of staff in the Service area to other frontline roles.

Legal (Including Equalities)

- 5.3** The Council has the power under section 123 of Local Government Act 1972 Act to dispose of land in any manner it wishes. Under this provision the Council has a duty to secure the best consideration possible for any property disposal except when under the General Disposal Consent (Wales) 2003, the asset to be disposed of has an 'undervalue' of less than £2 million and the transfer helps to secure the promotion or improvement of the economic, social or environmental well-being of an area. In these circumstances, it is proposed that the Council disposal of the land at 'less than best consideration', i.e., at no charge except Council costs.
- 5.4** The implications of the Playing Field (Community Involvement in Disposals Decisions (Wales) Regulations 2015 and Section 123 of the Local Government Act 1972 will need to be considered in relation to each disposal and the necessary disposal process undertaken.
- 5.5** Any objections to the disposals will be reported separately back to Cabinet for consideration prior to any final decision being taken. If no objections are received, the matter will be progressed as set out in this Report.

6. Background Papers

None.



19 Cherwell Rd,
Penarth CF64 3PE

Penarth Rugby
Football Club (RFC)

Penarth Cricket Club

B4267

Lavernock Rd

B4267

Augusta Rd

Augusta Rd

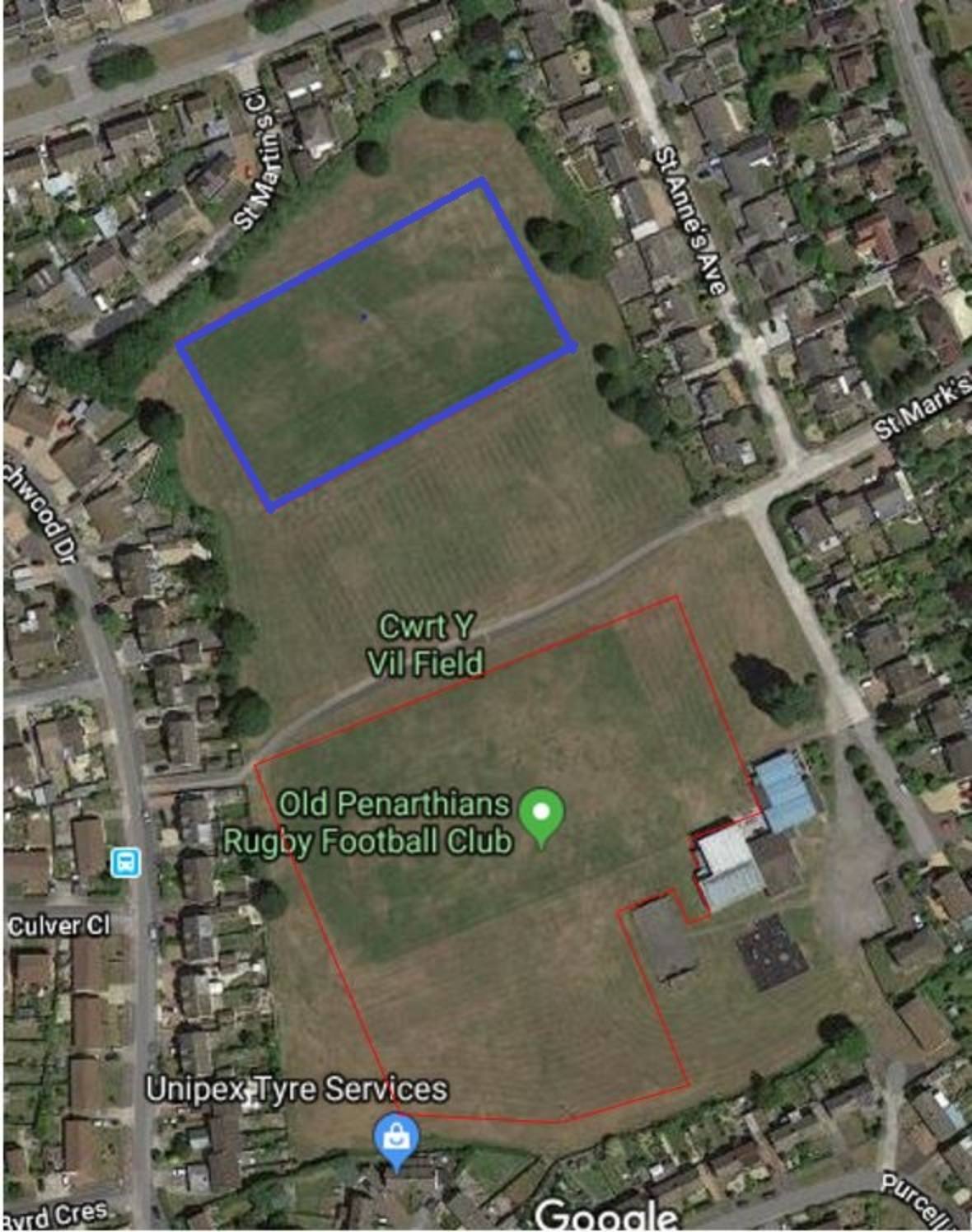
Augusta Cres

Alex French Associates

Abc Advanced
Building Contracto

Maz Builders Limited

Fieldgate Studio



St Martin's Cl

St Anne's Ave

St Mark's

chwcod Dr

Cwrt Y
Vil Field

Old Penarthians
Rugby Football Club

Unipex Tyre Services

Culver Cl

Byrd Cres

Purcell

Google



BROUGHTON ROAD

CWRT-Y-FELIN

BROUGHTON ROAD

Lighting Towers

Playing Field

Old Windmill

Path (um)

Path (um)

9

6

10

1

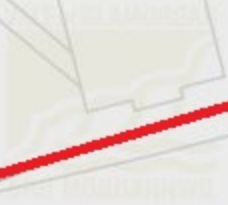
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Primary S





Heol-Y-Slough

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Heol-Y-Slough



McQuade Pl

Plymouth Rd

Plymouth Rd

Maslin P

Plymouth Rd

Plymouth Rd

Plymouth Rd

Plymouth Rd

Plymouth Rd

Maslin Park

Breaksea Dr

Barry Island

Station Approach Rd

ir Rd

Finnegans Fish Bar

Finnegans Inn
Grill • €

Barry Island Quasar



Sariel Healing

No Nonsense Accountancy

Linden Illustration

Major Washes

Abacus Accounting

Llantwit Major Cavaliers Cricket Club

Llantwit Major AFC

PER Consulting

bluevioletwellness

Watermill House

Margy Coles

Cats Eyes Driving School

Google



Vale United FC

Corntown Rd

Corntown Rd

IMPORTANT NOTE - DRAWING SUBJECT TO A DETAILED TOPOGRAPHICAL SURVEY



— NEW PERIMETER TO INCREASE SECURITY & ENHANCE PLAYERS WELFARE. ALLOWS INCREASED PROSPERITY & ABILITY TO HOLD FESTIVALS & COMMUNITY EVENTS OVER MULTIPLE SEASONAL DAYS

CREATION OF ENHANCED WALKING ROUTE YW POSSIBLE LINKS TO WIDER SUSTAINABLE TRADABLE ROUTES SUITABLE FOR NMU'S (3-5m WIDE WHERE achievable)

CREATION OF WELL BEING SPACES, HABITAT CREATION, PLANTING & WILD FLOWER MIX. FREE COMING SPACE FOR DOGS. 5106 MIT / SEATING ENHANCEMENT

Notes:

Rev 1 - Feb 21 - Alterations to site perimeter, associated footpaths and pitch setup
 Rev 2 - May 21 - Surveyed site perimeter shown with blue solid line over proposal



Project : PROPOSED GROUND AND BUILDING IMPROVEMENTS, RENOVATIONS AND EXPANSION

Client : Barry Rugby Football Club

FEASIBILITY

IOIG Architects,
 Studio 2
 The Coach House, Stanwell Road
 Pearsall, CF64 3EU
 tel. +44(0) 1929 2071 0100 email: info@ioigarchitects.com

Job No : 1010 0278 Barry RFC
 Title : PROPOSED SITE PLAN

Drawing No : AS 01

Revision	Date	Drawn	Checked
1	FEB 21	CAD	AA
2			

Scale: 1:1000 @ A1
 1:1000 @ A3