

Meeting of:	Cabinet
Date of Meeting:	Thursday, 06 June 2024
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Proposed transfer of land and buildings at Penarth Athletic Field to Penarth Athletic Club
Purpose of Report:	To report and consider (1) an objection to the proposed transfer of the Penarth Athletic Field to the Penarth Athletic Club and (2), subsequent to consideration of the objection, and without prejudice to the same, to note and consider a minor change to the area of land to be transferred to Penarth Athletic Club.
Report Owner:	Cabinet Member for Leisure, Sport and Wellbeing
Responsible Officer:	Director of Environment and Housing Services
Elected Member and Officer Consultation:	<p>Committee reports</p> <p>Operational Manager, Property</p> <p>Operational Manager, Accountancy</p> <p>Neighbourhood Services Manager</p> <p>Business Manager</p> <p>Elected Members in the Plymouth ward have also been consulted</p>
Policy Framework:	This report is within the policy framework and budget and is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The proposal to transfer by lease, land and buildings at Penarth Athletic Ground to the Penarth Athletic Club, has previously been approved by Cabinet. • As part of the process there is a legal requirement under section 123(2A) of the Local Government Act 1972 to advertise the proposed disposal if part of it includes a disposal of open space. Following the advertisement, any objections received should be reported back to Cabinet for consideration. • One objection has been received in relation to this particular transfer, the details of which are covered in the report. 	

- Cabinet is asked to consider the concerns raised, and if agreed, recommends approval and progress the proposed transfer to Penarth Athletic Club.
- An additional issue to that of the objection is that following discussions with Penarth Athletic Club, permission is also sought for a minor revision to the proposed area to be leased to Penarth Athletic Club. This is a reduction in the amount of land to be leased and assists in maintaining public access.

Recommendations

1. That Cabinet notes and considers the objection received in response to the notice published in accordance with Section 123(2A) of the Local Government Act 1972 but for the reasons set out in this report, progresses with the proposed transfer of the land and building at Penarth Athletic Field to the Penarth Athletic Club by way of lease.
2. That Cabinet notes and approves the revised area to be leased to Penarth Athletic Club and further that the revised plan (attached at Appendices A and B) be now approved as the area to be leased to the Penarth Athletic Club.

Reasons for Recommendations

1. That the transfer is in the best interests of both the Council and the Athletic Club and that no significant objection has been made to it.
2. To reflect the discussions held with the Penarth Athletic Club and revise the area to be leased to the Club.

1. Background

1.1 Cabinet Minute C216 (2nd February, 2023) resolved:

RESOLVED –

(1) T H A T the significant and positive progress made in relation to single use sports grounds facilities to date be noted:

(2) T H A T subject to Resolutions (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 the 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) T H A T authority be 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) T H A T 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 the report.

(5) T H A T subject to Resolutions (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, be authorised to prepare, execute and complete the required leases.

(6) T H A T Cabinet receives a further report on this matter before 1st September, 2023.

1.2 One objection to the proposed transfer of the Penarth Athletic Field has been received following a recent advert relating to the disposal issued by the Council in accordance with legal requirements. In accordance with Resolution 4 this objection is now being reported to Cabinet.

1.3 The objection, received from a local resident, is as follows:

“I object to the planned disposal of the above land to the Penarth Athletic Club. My concern is their ability to be good custodians of this field and public accessibility.

Last summer part of the sport's field was given over to picnic benches to provide additional seating for the sport's bar. In no way was the field used as intended to provide an area to undertake sports. Families try to use the field for recreational use as it is supposed to be an open public space. This premise is sorely tested because of the running of the social club.

In addition many guests allow their dogs to run free on the pitches. Guests drive fast into the grounds with little consideration for the public, including children.

Local schools use the land for their sports lessons. I suggest that the field must be usable under health and safety regulations for the lessons to be held in a safe environment. A Local Authority has the legal means to make this happen.

The alcohol licensing of any premises states that the following be undertaken:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- the protection of children from harm

As local residents we can state that all of the above are flaunted continuously, especially during local and national sporting events. My concern is that no regard will be made to the licensing requirements, instead profit will be upmost. The field will be an extension of the bar and no-one from the bar monitors the behaviour that spills out onto the field.

Giving over the lease of this land to a third party seems to me to be actually taking away a vital eco and outside resource for the public. Litter and dog mess

often as a result of social events at the club, make the field less accessible. I am convinced that little effort will be made to upkeep the field and it will not be able to be used as intended when given to the public in the 1920s.

I hope that my concerns will be taken into account when making a decision.”

2. Key Issues for Consideration

- 2.1** There are two issues for consideration firstly, the objection received to the proposed transfer to Penarth Athletic Club and secondly, the amendment to area to be leased to the Club.
- 2.2** In response to the objection, Cabinet is asked to consider the following:
- 2.3** This is the only objection received in relation to this proposed transfer. Any objection received should relate to disposal of public open space and if appropriate, any loss of that open space.
- 2.4** **Public Access** - during discussions with Penarth Athletic Club regarding the proposed transfer, the Club has committed to the Athletic Field’s ‘Fields in Trust’ status. This means the Athletic Field will remain accessible for informal recreation when not being used for formal sporting events. Further the lease to the Club will contain specific and appropriate covenants and provisions to ensure the land remains open to the public. There will therefore be no loss of publicly accessible land.
- 2.5** **Dogs** – There is a requirement at the Athletic Field for all dogs to be always on a lead and for owners to remove mess. It is acknowledged that this is difficult to police and due to the resources, the Council has not been able to always enforce this. The club has also stated that they will assist in the enforcement of the dog controls as they acknowledge it is in their interests to do so.
- 2.6** **Local Schools** – Schools will still be able to hire the facilities at the Athletic Field but will need to book with the Club rather than the Council with any income being retained by the Club. There have been issues at the site with private schools trying to use the facilities without booking / paying. The Club has stated that it remains committed to this use and will not be looking to charge state Schools provided they do not incur any costs.
- 2.7** **Alcohol Licence** – The Club, like many sports clubs, have bar facilities and do rely on bar income to support their sporting activities. Compliance with the conditions of their licence is viewed by the Penarth Athletic Club as a high priority and they believe they have complied with all requirements over a significant period of time. The Council as Licensing Authority would, as with any alcohol licence in the area, have the ability to take appropriate action if the conditions of the licence were not being complied with.
- 2.8** The Licensing enforcement team have responded to a small number of complaints from local residents since 2022 linked to temporary events being held

which have involved live music. Investigations have revealed no contraventions of the conditions attached to the Club Premises Certificate or substantiated any issues concerning the promotion of the four licensing objectives.

- 2.9** Given the likely better management of the ground directly by the Athletic Club, it is proposed that the objection is noted but that the transfer progresses.
- 2.10** In relation to the area to be leased to Penarth Athletic Club, attached at appendix A and B is a revised plan of the area now required and detailed within the public advertisement. It should be noted that this is a reduction in the size of the area to be leased to the Club and follows discussions with the Club regarding other usage. It reflects the lease now in place with Tennis Wales for the recently refurbished tennis courts. The revised plan also assists in maintaining public access to the site and this will also be protected by specific covenants and provisions in the lease to the Club and further supported by the Athletic Field's 'Field in Trust' status.

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

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

5. Resources and Legal Considerations

Financial

- 5.1** Significant savings are expected as a result of transferring the Athletic Field to the Athletic Club, and these were detailed in the previous report to Cabinet on 2nd February, 2023. The transfer will also enable the Club to access grants that have previously been unavailable to them due to not being a lease holder.

Employment

- 5.2** There are no employment implications directly related to this proposed transfer as all staff will be transferred to other duties. Savings in staff have however been made as a result of other staff leaving in other parts of the Parks operation that will be replaced by staff from the Athletic Field.

Legal (Including Equalities)

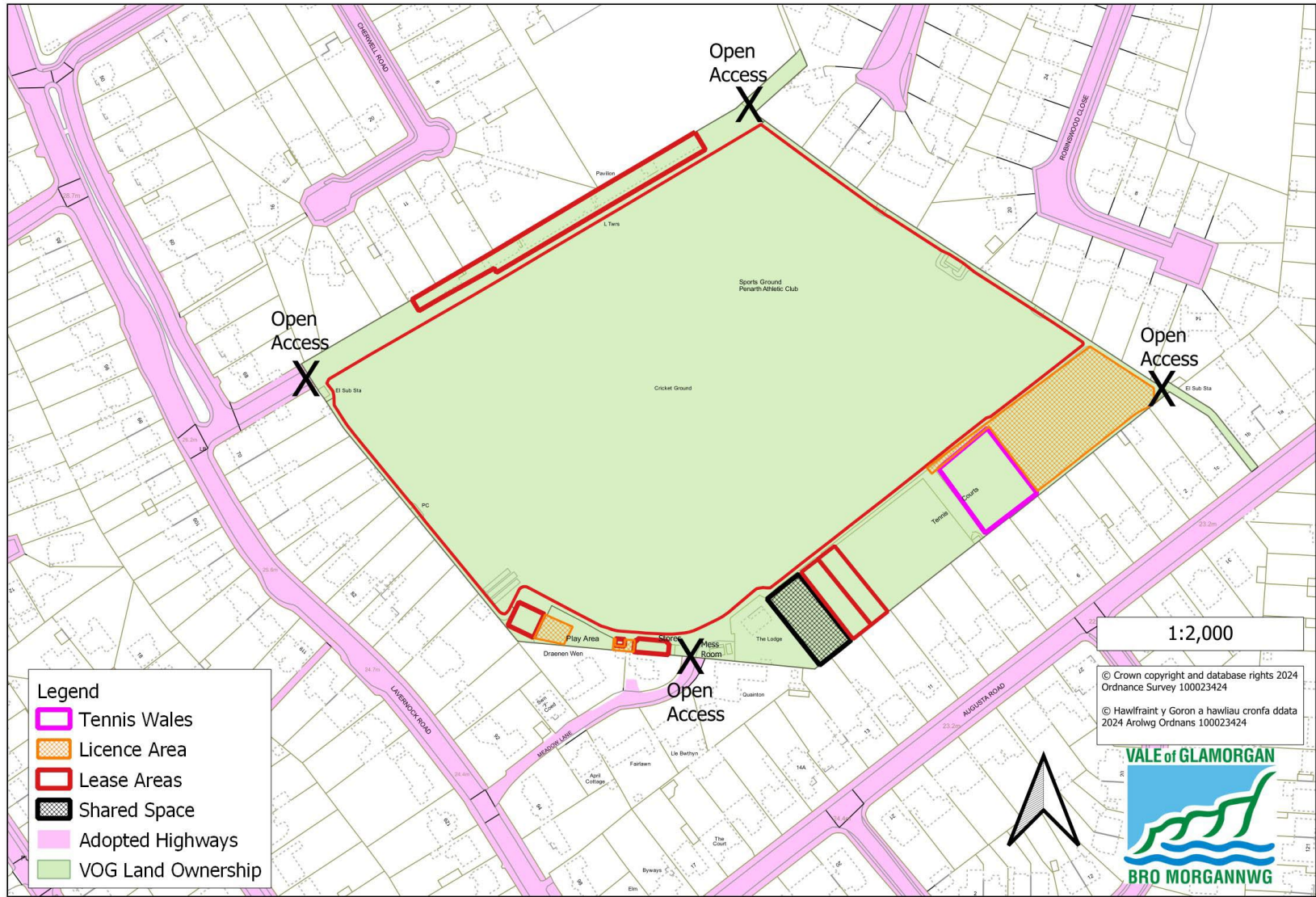
- 5.3** The Council has the power under section 123 of Local Government Act 1972 Act to dispose of land in any manner it wishes. However, when that land is open space, the Council is required to publicise the disposal and consider any objections to it.
- 5.4** The legal requirements for this proposed transfer pursuant to section 123(2A) of Local Government Act 1972 Act have now been met and the transfer of the land

and buildings at the Athletic Field to Penarth Athletic Club will be completed subject to Cabinet's approval.

- 5.5** The lease to Penarth Athletic Club will contain appropriate covenants and provisions to ensure the land remains open to the public. This position is further supported by the Athletic Field's 'Fields in Trust' status.

6. Background Papers

None.



- Legend**
- Tennis Wales
 - Licence Area
 - Lease Areas
 - Shared Space
 - Adopted Highways
 - VOG Land Ownership

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