

The Vale of Glamorgan Council

Cabinet: 17th December, 2018

Report of the Leader

Community Asset Transfer Application - War Memorial Site, Wick Road, Ewenny

Purpose of the Report

1. To advise Cabinet of the recommendations of the Community Asset Transfer (CAT) Working Group and Insight Board of a Stage 2 CAT application from Ewenny Community Council ('Community Council') in respect of the War Memorial Site, Wick Road, Ewenny.

Recommendations

1. That the contents of the report be noted.
2. That the Community Asset Transfer Application for the War Memorial site at Wick Road, Ewenny from Ewenny Community Council be approved and that the Head of Finance/Section 151 Officer be authorised to agree terms and conditions for a lease of the site to the Community Council.
3. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare and execute the necessary documentation for the Community Asset Transfer of the site referred to in Recommendation (2) above to the Community Council (subject to no objections being received in line with recommendation 4)
4. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to advertise the disposal of the public open space in accordance with Section 123 (2A) of the Local Government Act 1972.

Reasons for Recommendations

1. Having considered the application and the information received from the Community Council.
2. In line with the Community Asset Transfer process.
3. In order to permit the transfer of the site to the Community Council to proceed subject to no objections being received in respect of the proposed disposal
4. In order for the proper legal process to be followed.

Background

2. In April 2016 Cabinet approved a revised CAT process and associated guidance which had been developed by officers drawn from a wide range of Council departments and based on Welsh Government's Best Practice Guide (Minute No. C3134 refers).
3. The revised CAT process and associated guidance outlined what applications would be dealt with on a case by case basis.
4. As part of the CAT process, applications and Expressions of Interest (EOI) are received and considered by the CAT Working Group with consists of a number of officers including Legal Services, Finance, Democratic Services, Estates, Planning and Regeneration, Education, Performance and Policy, and representatives from Glamorgan Voluntary Services and One Voice Wales.
5. Following consideration of any EOI applications, applicants may or may not then be invited to Stage 2 of the process to submit a full business plan. The full business plan will then again receive full consideration by the CAT Working Group following which recommendations will be reported to the Council's Insight Board (a board consisting of the Managing Director and senior officers of the Council) with the recommendations of the Insight Board being ultimately referred to Cabinet for consideration under the process.

Relevant Issues and Options

6. An EOI application was received from the Community Council to take possession of the War Memorial site at Wick Road, Ewenny shown on the image attached at Appendix 1. The application site is a small area of public open space adjacent to the public highway that contains the village war memorial, a memorial tree and a bench. In their application the Community Council advise that the area acts as a focal point for the village and also has the potential to be managed to create a more attractive space with planting and artwork.
7. Following consideration by the CAT Working Group, the Community Council were subsequently invited to proceed to Stage 2 of the CAT Application process.
8. A Stage 2 application (business plan) attached at Appendix 2 to this report was subsequently received and considered by the CAT Group however, at that time although the Group indicated that they were minded to recommend approval of the application, the application had not addressed the issue of consultation as outlined within the CAT guidance. The applicant was therefore requested to provide evidence to demonstrate the engagement that had been undertaken taken within the community.
9. Information has now been received from the Community Council advising that a notice had been placed on the Community Council's website so that residents could contact the Council with any views and a screenshot of the page on the website had been forwarded to the CAT Co-ordinator for the record. The Community Council had also advertised a "get together" event that was held at the Village Hall on 23rd June, 2018 which advised residents that they could speak at the Community Council event to discuss their views on the proposal. No views have been received to date.
10. Having fully considered the information presented by the Community Council, the CAT Working Group subsequently agreed that the information received met their requirements and that a formal recommendation should be made to the Council's

Insight Board and subsequently to the Council's Cabinet that the application be approved.

11. On 18th October, 2018 the recommendation of the CAT Working Group was presented to the Insight Board who approved the recommendation for presentation to Cabinet.
12. Part of the site is adopted highway and it is possible that a footway may be developed across part of the site at some point in the future. This will be taken into account when agreeing the precise terms and conditions of the CAT transfer with the Community Council.
13. It is recommended that any transfer of the War Memorial site should be on the basis of a long term leasehold with account taken of the adopted status of part of the site. This will protect the Council's longer term interests insofar as the use can be restricted for the term of the lease for the proposed use.

Resource Implications (Financial and Employment)

14. The cost of maintaining the site will become the responsibility of the Community Council when the transfer is completed. A small section of the land to be transferred forms part of the adopted highway and as such, the Head of Neighbourhood Services and Transport has been consulted. The adopted highway element would need to continue to be maintained at the public expense.

Sustainability and Climate Change Implications

15. The need to ensure that services are sustainable for future generations is a key element of the Reshaping Services Agenda.

Legal Implications (to Include Human Rights Implications)

16. The Council's approach to any CAT and any guidance or processes it agrees to deal with such applications should aim to align with the principles of the Well-being of Future Generations (Wales) Act 2015.
17. The Council will consider all applications in accordance with its own agreed process and guidance. However, it is not obliged to accept an application for CAT unless it is satisfied that it meets the criteria set out in its guidance.
18. The Council has the powers under Section 123 of the Local Government Act 1972 to dispose of land in any manner it wishes. The only constraint is that a disposal must be for the best consideration reasonably obtainable, otherwise the Council must obtain the consent of the Welsh Government. However, pursuant to the General Disposal Consent (Wales) 2003 it can dispose at an undervalue of up to £2m if it is satisfied that the disposal is in the interests of the economic social or environmental wellbeing of the whole.
19. Furthermore, Section 123 (2A) of the Local Government Act 1972 states that no principal council may dispose of land consisting or forming part of an open space unless, before disposing of the land, they cause notice of their intentions to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

Crime and Disorder Implications

20. It is considered that the use of the site (through the CAT process), would develop a sense of community ownership and engagement which could assist in addressing any issues of crime and disorder that may exist.

Equal Opportunities Implications (to include Welsh Language issues)

21. The CAT process is delivered in accordance with the Council's Equal Opportunities and Welsh Language policies, statutory requirements and ethos. Equality Impact Assessments will be undertaken for schemes where it is deemed appropriate to do so.

Corporate/Service Objectives

22. The CAT Guidance supports the Council's Reshaping Services programme.

Policy Framework and Budget

23. This is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

24. Local Ward Members (Llandow and Ewenny and St. Brides Major) for the site have been consulted.

Relevant Scrutiny Committee

25. Corporate Performance and Resources

Background Papers

Vale of Glamorgan CAT Guidance

Contact Officer

Lorna Cross, Operational Manager (Property)

Officers Consulted

Members of the CAT Working Group and Insight Board

Responsible Officer:

Carys Lord Head of Finance / Section 151 Officer
Managing Director



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Tweet

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APPENDIX 4

COMMUNITY ASSET TRANSFER: BUSINESS PLAN

STAGE 2: Full Business Plan

Stage 2 of the CAT application process: Should the expression of interest at stage one be successful, an invitation from the Vale of Glamorgan Council will be issued to the applicant to submit a full business case to allow the Council to assess in detail the financial and operational viability of the proposal. We will not be able to start the process of considering your application unless we receive all the information relevant to your proposal for asset transfer, so please complete the business case carefully and contact the Council should you require any clarification or further advice.

Please complete this business case, attach any additional information and send in the first instance to:

Andrew Tovey
Strategic Estates Group
Property Section
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
Vale of Glamorgan
CF63 4RU

e-mail: antovey@valeofglamorgan.gov.uk

Organisation	Ewenny Community Council
Applicant	Mrs Ceri Flower, Clerk to the Council
Contact Details (including email address and contact number)	14 Vale Park Broadlands Bridgend CF31 5EA Tel: 01656 711783 Email: ewennycc@gmail.com
Date	

Executive Summary

We would like to take ownership of the War Memorial Site, Wick Road, Ewenny. This is a small area of public open space adjacent to the public highway that contains our village war memorial, a memorial tree and a bench. This area acts as an important focal point for our village, especially on Remembrance Sunday, but also has the potential to be managed to create a more attractive public space with planting or artwork

1. Our Project

In this section, please include details about:

- *Your organisation*
- *The values and mission of your organisation*
- *The aims and objectives of your community project*
- *The benefits you would seek to deliver and how you would measure if these have been achieved*
- *Details of current facilities and if/how these would form a part of this proposal*

We are the Community Council for the communities of Ewenny, Corntown and Llampha. We undertake the statutory functions of a Community Council.

Our activities at present include managing the Village Hall (held under lease from the Ewenny Priory Estate), caring for the historic Corntown Baptismal Pool as well as various verges, benches and noticeboards.

The community is spread-out over a large area and lacks common spaces for the community to gather and celebrate. We would like to own the War Memorial Area on Wick Road to enhance the area as a focal point for the Community.

The management of the area would site easily alongside our current operations but we envisage opportunities to involve the community in developing an enhance design for the war memorial site including planting, a sitting area, artwork etc.

Ownership by the Community Council will allow the area to be improved as a community spae

2. The Market

In this section, please tell us about:

- *The community (whether a geographical one or community of interest) your project is seeking to serve*
- *Who are the existing and target markets of your proposal*
- *Results from any community consultation exercises you have undertaken (including the methodology used, the results and the conclusions you are*

- drawing from this) and plans for further consultation*
- *Knowledge of other relevant existing community services and facilities*
- *Opportunities to work collaboratively and build partnerships*

The community covers the villages of Ewenny, Corntown and Llampha. The geographical spread of these areas means that there are few spaces for the communities to gather. Whilst the War Memorial site has primarily been a space used on Remembrance Sunday, it has also been used to plant a memorial tree and as a space for festive Carol Singing. It has the potential to be a place for more activity like this.

The only other public places where people can gather are:

- The Village Hall
- The Priory Church
- The Cricket Club
- The Sports Pavilion

Each of these is used for other activities and don't really work as a place for public gatherings in the open air. They have functional outside spaces without a focal point. The War Memorial site offers the potential for an attractive garden and sitting space in a good location with good connections to the three villages and close to other amenities such as the playground and village shop.

An enhanced war memorial site would complement the other facilities in the villages and give a focal point and heart to the community.

We believe our community would be excited to learn that the site was 'owned by the village' through the Community Council and would embrace the opportunities it presents. At present, ownership by the Vale of Glamorgan Council means there is no sense of local ownership or responsibility.

3. Business Growth and Development

In this section, please provide the following:

- ***A review of your organisation*** (using a Strengths, Weaknesses, Opportunities and Threats analysis a template for which is provided in Annex 1)
- ***Your business development strategy*** (sustainability plan)
This would include the key activities you would undertake in phases. For example, phase 1 may include your project's design leading up to transfer, phase 2 would come following the transfer and would describe up to the first two/three years of operation and phase 3 would be the on-going strategy for maintaining the asset/service.

Review of Our Organisation – Ewenny Community Council

Strengths:

Established by statute

Legal procedures and standards including insurance

Democratically elected
Ability to raise funds via precept
Publicly accountable
Open meetings and minutes
Professional Clerk

Weaknesses:

Challenge of finding people to be Councillors (non-contested for many years)
Limited powers (largely a consultative role)
Long standing councillors may run out of energy if not supported

Opportunities:

Legal body capable of owning property, applying for grants etc
Limited current community activity gives scope for new activity
New houses being built will bring new people and energy
Possibility of relocating village hall to Sports Pavilion (to save costs and have modern facility)

Threats:

Village hall uses a significant amount of Council funds

Business Development Strategy – War Memorial Site

Phase 1: Acquire the site

Phase 2: Incorporate maintenance into current arrangements operated by the Council

Phase 3: Consult the community on ideas to enhance the area

Phase and implement

4. Management & Operations

In this section, please describe the following:

- *Your management committee and governance arrangements*
- *Staffing for the asset/service and the role of community volunteers*
- *How you would develop any community activities*
- *How you would operate the asset and service*
- *Details of relevant policies and procedures you would put in place and what these would seek to achieve*
- *How you would manage day-to-day operations*

The War Memorial site is a small area of land and requires little maintenance beyond grass cutting and trimming of shrubs and plants. This work is easily incorporated into the existing maintenance contract we have for the grounds of the village hall and various verges and grass areas around the community. This is managed via the Community Council Clerk reporting to the monthly meetings of the Community Council.

5. Marketing Plan

In this section, please provide details on:

- *How you would seek to build and maintain the profile of your project/organisation and the asset/service(s) operated.*

- *How you would promote the availability of the service/asset.*

We have a regular community newsletter and website see <https://sites.google.com/site/ewennycommunitycouncil/home>

These would be used to promote the site and seek community involvement in its future.

6. Financial Plan

In this section, please provide details of the following:

- *Three year income and expenditure (a cashflow projection template can be found in annex 2). Please include descriptions of any assumptions you are making to support the income and expenditure forecasts.*
- *How you would generate income (providing sales forecasts where appropriate for the first five years)*
- *Details of any start-up funding you would require and the potential sources of this funding*
- *Details of your fundraising strategy*
- *Details of any grants that are relevant to this business case and an overview of any conditions associated with them*

The site would not generate income. We estimate additional costs to maintain the area of £500 per annum. This can be accommodated within existing budgets funded by the precept. Capital improvements would be funded from the precept or reserves of by specific fundraising/grant applications. The extent of these will develop over time.

7. Risk Analysis

In this section, please summarise the key risks you have identified for the project along with details of how you would seek to minimise or manage these risks. You may find it useful to adopt the following format for this section.

Description of the Risk	How Likely is it to occur? (Almost Certain, Probable, Possible, Very Unlikely)	What impact would it have if it did happen? (Catastrophic, High, Medium, Low)	Actions Required to minimise or manage these risks
Council precept being insufficient to maintain the area	Very Unlikely	High	Annual budgeting and precept setting should mitigate this risk.
Ewenny Community Council failing to appoint Councillors	Very Unlikely	High	New members have always come forward
Community doesn't	Possible	Medium	Area would still be

engage with the project			maintained as now. The existing uses of the area are a springboard to enhanced use and involvement.
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8. Project Delivery

In this section, please provide us with an outline project plan for delivering your project. You may find it useful to adopt the following format for this section.

Action/Task	Who is Responsible	Start Date	End Date
Finalise transfer	Council via Clerk	ASAP	ASAP
Specify maintenance requirement to be added to existing contract	Council via Clerk	ASAP	At transfer
Promote ownership of site and seek ideas and help	Council via Clerk	After Transfer	3 months after transfer

I/We confirm that all the information and statements contained within this business plan are true and accurate. I understand that the Council may ask for additional information at any stage of the application process and may check this information against other sources.

Name	
Position within Organisation	
Signed	
Date	

NB please retain a copy of this form for your records and should your circumstances or contact details change then please let the appropriate contact officer know.

Any information you provide on the form will be held by Vale of Glamorgan Council for the purposes of assessing the application and decision making process and for no other purposes.

Annex 1 – Strengths, Weaknesses, Opportunities & Threats Assessment

Overview
<p>A SWOT analysis is a useful tool for understanding and making decisions in all sorts of situations. SWOT is an acronym for Strengths, Weaknesses, Opportunities and Threats.</p> <p>Essentially you are answering the following four questions:</p> <ul style="list-style-type: none"> • ‘The strengths of my proposal are...’ • ‘The weaknesses of my proposal are...’ • ‘The opportunities for my proposal are...’ • ‘The threats to my proposal are...’
Getting Started
<p>The SWOT analysis template is normally presented as a grid, comprising four sections, one for each of the SWOT headings: Strengths, Weaknesses, Opportunities and Threats.</p> <p>Prepare a blank template complete with headings and fill in using information regarding the current process using the prompts for help. See example template below.</p>
Why use?
<p>Following completion of the template you will have a greater understanding of the proposal and will be ready to make informed decisions.</p>

SWOT Analysis	
Strengths	Weaknesses
Opportunities	Threats

Annex 2 – Cash Flow Forecast

Please provide a minimum of three years' cash flow forecast. The template below has been provided to indicate the types of cash flows you may wish to consider. The 'note' reference allows you to reference any assumptions you are making when estimating these cash flows.

		Phase 1	Phase 2		Phase 3		
Note:	Income	Current	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
1	Start-up funding						
2	Grants						
3	Rental/ room hire						
4	Other income: - Vending - Café - Shop						
5	Volunteer time in kind						
6	Fundraising						
	Total						
	Expenditure	Current	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
7	Salaries including on-costs of National Insurance and pensions - Management - Staff - Volunteer time in kind						
8	Training and development						
9	Caretaking/ cleaning costs - Cleaning materials - Refuse collection - Security						
10	Utilities - Water - Electricity - Gas						
11	Business Rates						
12	Repairs and Maintenance						
13	Transport and Travel						
14	Centre Supplies - Furniture, IT, clothing, equipment						

15	Telephones and Internet						
16	Promotion and Publicity						
17	Insurances and Professional Fees - Property insurance - Public liability insurance - Performing rights society fees - Accountancy and legal fees - Architects fees - Consultancy fees						
18	Other						
	Total Expenditure						
	Surplus or (Deficit)						
	Accumulated Reserves						

