

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 14 February 2022</b>
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Reshaping Services: Single Use Sports Facilities Update
Purpose of Report:	To update Cabinet of progress to date on the stage 1 transfer of single use Sports Facilities and to seek approval to progress the stage 2 transfers, starting with Barry Rugby Club.
Report Owner:	Cabinet Member for Leisure, Arts and Culture
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 No Local Ward Member Consultation - Vale Wide Issue.
Policy Framework:	This report is a matter for Executive decision by Cabinet.

Executive Summary:

- 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.
- Due to effects of Covid on sporting clubs, the planned phase 2 of transfers was delayed as clubs lost their primary income streams and faced an uncertain future.
- Rugby clubs located within the Vale of Glamorgan are now keen to progress with transfers and can see the ability to obtain external funding by having leases / licences for their grounds as being favourable.
- Discussions are ongoing with the Old Penarthians Club, the Penarth Athletic Club and Barry Rugby Club with the latter Club discussions at a stage where Cabinet approval is now being sought to progress the first stages of the requested land transfers and updated leases.
- Barry Rugby Club has indicated that it would want a long term lease (99 years) on the primary pitch and a licence for the remaining pitches. The Club also wish to extend the lease on the clubhouse to complement the primary pitch and car park leases. Permission is also sought to increase car parking and for the present car parking facility to be upgraded to a satisfactory condition before the Club take over the management arrangements.
- As the Club currently has a lease for the clubhouse building and limited associated land (Appendix B), the report proposes that the current building lease is extended to 99 years on similar terms and conditions to those in place now.
- The land required by Barry Rugby Club is currently designated as public open space and any disposal of this land by way of lease will require the arrangement to be publicly advertised and for any objections to be considered by the Council prior to taking any formal decisions on the possible land transfers.
- It should be noted that a public right of way currently runs half-way across the main pitch. Following internal discussions with the Council's public footpath officer an application will be made to re-route this right of way to avoid it passing over the main rugby playing surface.
- In addition to the leases required the Club has requested a licence for the remaining playing field area to allow them to have better control over game fixtures and this will also commit the Club to undertaking pitch maintenance works, thereby ensuring the Club's responsibility for the maintenance of the entire field area.
- Further reports will be presented to Cabinet in due course dealing with the Old Penarthians and the Penarth Athletic Club and any other clubs / community organisations interested in running the sporting facilities they currently use.

## **Recommendations**

1. That Cabinet notes the positive progress made to date in relation to single user sports grounds facilities.
2. That Cabinet notes the request from Barry Rugby Club to transfer the car park, with an extended parking area, and the main rugby pitch to the club via a 99 year lease at peppercorn rent, as per the red line details shown on the plan at Appendix A to this report.
3. That Cabinet agrees to the extension of the current lease for the club house building and small section of associated land, as per the original lease footprint shown at Appendix B, for a period of 99 years at peppercorn rent.
4. That authority is delegated to the Monitoring Officer/Head of Legal and Democratic Services to advertise the proposed land disposals via lease detailed in recommendation 2 above, in accordance of s123(2A) Local Government Act 1972 where relevant.
5. That any objections to the disposal be reported back to Cabinet for consideration prior to any final decisions being made on the lease for this land.
6. That should no objections be received, delegated authority is granted to the Director of Environment and Housing in consultation with the Monitoring Officer/Head of Legal Services and the Cabinet Member for Leisure, Arts to agree the terms and conditions of a 99 year lease for the land shown as the red line area (Appendix A).
7. That delegated authority is granted to the Director of Environment and Housing in consultation with the Cabinet Member for Leisure, Arts and Culture to progress an application to re-route the current public right of way that crosses the main rugby pitch to a more suitable location on the public open space.
8. That the Monitoring Officer/Head of Legal and Democratic Services in consultation with the Head of Finance and Director of Environment and Housing Services, be authorised to prepare execute and complete the required leases and licence.
9. That Cabinet receive further reports on the Single Use Sports Facility project as and when discussions with other clubs / community organisations are finalised.

## **Reasons for Recommendations**

1. To make Cabinet aware of progress being made.
2. To advise Cabinet of the details of the land transfer request from Barry Rugby Club.
3. To allow for an extension of the current building lease on similar terms and conditions.
4. To permit the land required by the Rugby Club to be advertised for disposal in accordance with the relevant legislation.
5. To allow Cabinet to consider any objections received prior to taking a decision on the land transfer.

6. To provide the necessary authority to officers to agree the terms and conditions to allow the land to be transferred via lease as promptly as possible.
7. To allow consideration through the formal legal process of a re-routing of the public right of way.
8. To allow all the relevant land transfer and land use documentation to be drafted and agreed.
9. To keep Cabinet advised of the project and to seek any further permissions for transfers of land and buildings as necessary.

## **1. Background**

- 1.1 In light of challenging budget settlements, ever increasing demands for statutory services and a wish to both protect and enhance physical activity, Cabinet agreed at its meeting of 2nd July 2018, to examine changes to the ways that outdoor sports facilities have traditionally been funded was required.
- 1.2 An examination of the Council's current 'Single Use' Sports facilities was undertaken as part of the Council's overall Reshaping Services Programme, to examine community and club based financial models, aimed at reducing or removing the Council's ongoing financial commitments to these facilities, whilst at the same time improving their accessibility, quality and future investment opportunities.
- 1.3 At the Cabinet meeting of 18th February 2019, the Council's strategy for transferring single use sports grounds to club management models was agreed with the first phase of this programme dealing with Bowling clubs.
- 1.4 To date, new 'self-management' leases for Cowbridge, Romilly and Central Bowling Club have been completed. The other 5 Bowling Clubs have not completed their lease but are at various stages of negotiation. All clubs are however without any direct financial support from the Council.
- 1.5 Following the transfer of the Bowling clubs a phase two transfer timetable was to be implemented and work had commenced on this prior to the Covid-19 pandemic. The pandemic forced a stop 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.
- 1.6 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 again. Interestingly the Bowls club that had already transferred have, in the main, been successful in attracting financial / grant support during the pandemic and remain in a strong position when facilities are able to reopen.

## **2. Key Issues for Consideration**

- 2.1** Cabinet will appreciate that the proposed transfers in phase II of outdoor sports fields are potentially more complicated than the Bowls clubs, which were, in the main, all self-contained facilities, with controlled grounds and buildings largely managed by the clubs themselves at the time of transfer.
- 2.2** Many of the proposals under phase two 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 Bowls club) whilst other pitches would be subject to a licence for their use. Clubs are also requested long leases for the pitches in their direct control in order to assist with attracting grants to improve facilities.
- 2.3** 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 on a case by case basis, starting with Barry Rugby Club, where discussions with our officers are most advanced and where the requirements of the club appear to best fit with the Reshaping Programme, and where there is little detriment to the overall free access to public open space as a consequence of the proposed transfer.
- 2.4** In addition to Barry Rugby Club, discussions are at an advanced stage with Penarth Athletic Club and Old Penarthians Rugby Club. Both of these clubs have clear plans for the future that are dependant of having a lease for at least some of their facilities as this will enable them to apply for external funding. Each club also has the support of the Welsh Rugby Union who have provided considerable support to self-managed clubs throughout the pandemic. There are however a number of issues outstanding for these clubs which will need to be resolved before their particular requests can be considered by Cabinet. Further reports to Cabinet will follow concerning these and other interested clubs / community associations.
- 2.5** Barry Rugby Club has requested a long term lease (99years) on the clubhouse building and associated land in the current lease and it is proposed that this be granted on similar terms and conditions. The club have an excellent record or responsibly managing these facilities over some considerable time and this lease extension will provide them with opportunities to improve the building and its facilities. The footprint of this lease is shown at Appendix B.
- 2.6** The Club has also requested a lease of the same duration on its primary pitch and a licence for the remaining pitches. Essentially the licence will enable to Club to better control rugby fixtures at the ground and will provide them with the necessary authority to undertake pitch maintenance of the remaining pitches. The area to be licenced would be the remaining land within the blue line field boundary shown at Appendix A. In addition the Club wish to improve car parking

facilities and increase car parking capacity and the area to be covered by this lease is shown as a red line plan attached at Appendix A.

- 2.7** In addition to the Club's wish to increase the car parking capacity, which would be at the Club's costs. The existing car park surface would be inspected prior to any transfer and any deviations in the surface greater than 40mm addressed.
- 2.8** It should be noted that a public right of way currently runs half-way across the main pitch. Following discussions with the Council's public footpath officer an application will be made to re-route this right of way so that it does not cross the playing surface. Ordinarily the Club would be asked to fund this work but regardless of whether the lease progresses or not the work is required, as members of the public are not able to access the route when the first team pitch is in use, the work is required so will be funded from the existing Parks and Grounds Maintenance budgets.
- 2.9** A new route will be chosen that avoids any of the playing surfaces and the areas that could be leased and the appropriate legal process to re-route the public right of way will be followed.
- 2.10** A red line plan showing the new area of land required to be leased by the Barry Rugby Club is shown at Appendix A.

### **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 in order to better guarantee the future provision of outdoor sports facilities in the County. The Council continues to manage the facilities in the context of diminishing resources and increasing competition while seeking to promote the benefits of sports and activities to well-being. These are put forward in order 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 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 Reshaping transformational change programme, 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.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** Minimal financial savings are expected should this transfer progress. Whilst the main pitch, other leased land areas and the licenced area would be the responsibility of the Club to maintain, the loss of this work would not equate to a full member of staff. More tangible savings will be made as the number of transfers increases over time and the service will attempt to deal with this as detailed in the employment section below the main reason for the transfer of land would be to improve the facilities within the leased areas, by providing greater grant funding and borrowing opportunities to the Club, thereby increasing wellbeing opportunities for the local community.
- 4.2** The costs associated with applying to move the public footpath at Barry Rugby, advertising the loss of public open space and preparing any leases and the licence will be funded from the Parks and Grounds Maintenance revenue budgets for 2022/23.

### **Employment**

- 4.3** As a result of these transfers over time, there will be employment implications to grounds maintenance staff, though at present the service will seek to deal with these via natural wastage i.e. retirement and / or a slow-down in the recruitment of new or replacement posts.

### **Legal (Including Equalities)**

- 4.4** 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 £2million 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.
- 4.5** It is not considered that the Playing Fields (Community Involvement in Disposal Decision) (Wales) Regulations 2015 will apply as the disposal will not have an adverse impact on the use of the playing field as a sports and recreational facility

by the public and it is to a body whose aims or objectives include the promotion of sporting or recreational activities in accordance with regulation 4.

- 4.6** Any lease that includes Public Open Space will still need to be advertised as a disposal under s123(2A) of the Local Government Act 1972.
- 4.7** Any objections to the disposals will be reported separately 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 the Recommendations of this report.

## **5. Background Papers**

None.





Barry Rugby  
Football Club

the Walk

dyfan Court

Merthyr Dyfan Rd

Pendine Cl

Blyth Cl

Mounbatten Rd

Francis Rd

Hardy Cl

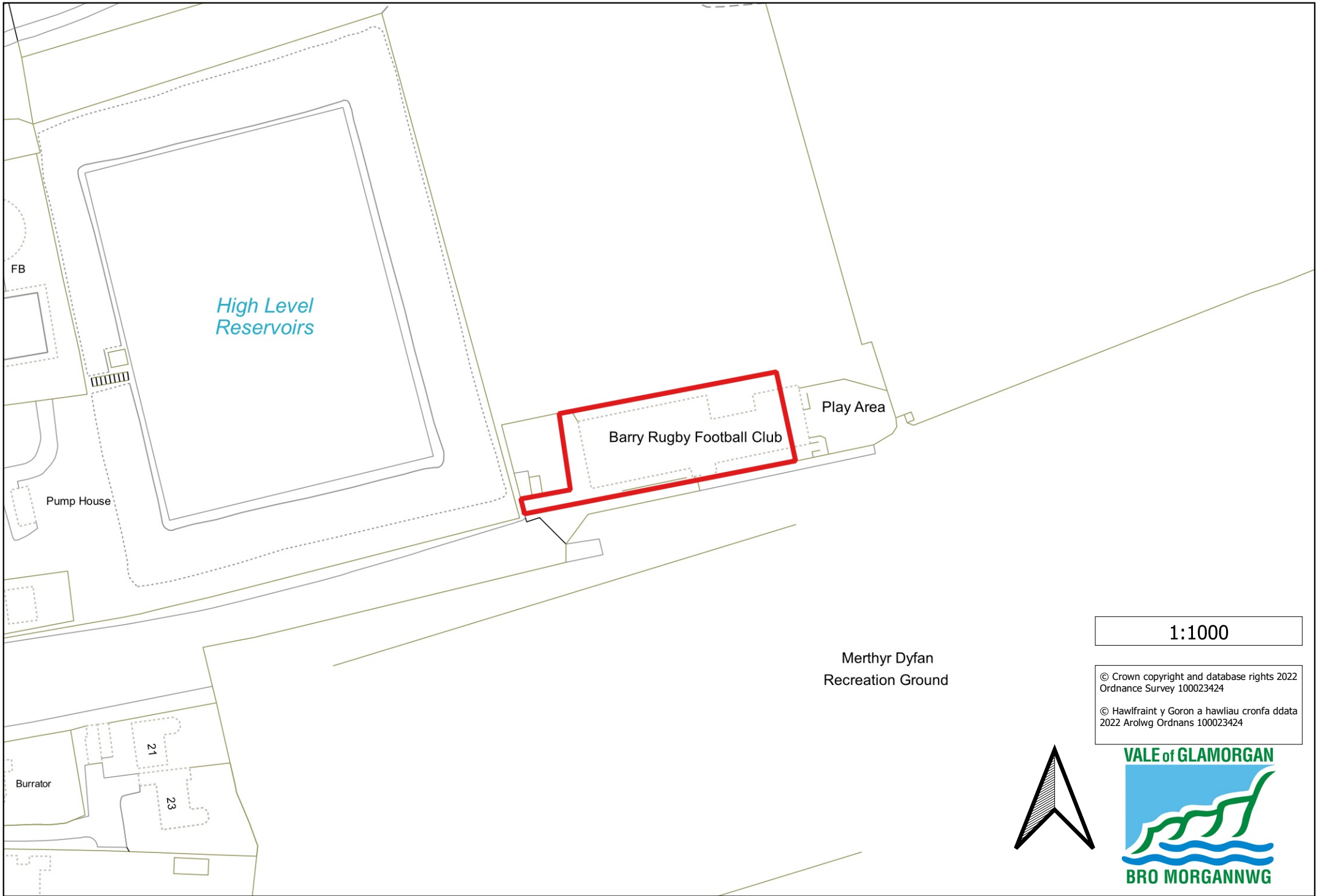
Nelson Rd

Skomer Rd

Cwrt Pencoedre

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