

**EXECUTIVE BOARD
20 JUNE 2016**

**TRANSFER OF PARKS, PLAYGROUNDS, AMENITY AREAS
COMMUNITY ASSET TRANSFER UPDATE**

Recommendations / key decisions required:

- 1) To note the outcome of the Expressions of Interest process, which ended on 31st March 2016
- 2) To consider the next steps, from the options set out in the Report
- 3) To consider an objection received to the proposed asset transfer of Parc Howard and whether the asset transfer process should apply to this premises.

Reasons:

- 1) To provide an update on progress
- 2) To agree a clear way forward for those assets that have not been the subject of expressions of interest
- 3) To respond to an objection following the publication of public notices under s123 of the Local Government Act 1972

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDERS:-

Cllrs David Jenkins and Hazel Evans

Directorate: Environment

Name of Head of Service:

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EXECUTIVE SUMMARY EXECUTIVE BOARD 20 JUNE 2016

TRANSFER OF PARKS, PLAYGROUNDS, AMENITY AREAS COMMUNITY ASSET TRANSFER UPDATE

Background

On 15th December 2014 the Executive Board unanimously resolved the following in relation to parks, playgrounds and amenity areas -

- That in order to encourage asset transfers, a deadline of 1st April 2016 be set for the submission of interests for the transfer and that a final transfer deadline of 31st March 2018 be set, after which time, the maintenance of facilities could potentially cease;
- That the £253,044 remaining in the Asset Transfer Fund be utilised to provide a fixed or variable amount of funding to incentivise the first organisations to take a transfer of facilities, up to a maximum ceiling of £10k per organisation.
- That all town and community councils within the County be advised of the Board's decision and to the possibility that further cuts to the Council's budget could potentially result in those assets not transferred not being maintained after 31st March 2018.

Letters were sent to all Town and Community Councils informing them of the above, along with subsequent reminders. Discussions have also been held with a range of sporting groups and other organisations who have expressed interest in asset transfer. Interested organisations have been offered a Maintenance Grant of 2 x the 2013/14 maintenance cost for each asset, together with an Improvement Grant of up to £10,000 per organisation.

Current Position

The table in Appendix 1 identifies the Community Councils and sporting bodies that have expressed an interest (EOI) prior to the deadline. It also highlights where no such expressions have been received. Out of 27 Town and Community Councils with relevant assets, 18 (66%) have submitted an EOI covering 81 assets. That leaves 9 Community Councils involving 35 assets where no expressions have been received or an initial interest has been lodged but subsequent correspondence indicates otherwise. We have also received an additional 13 expressions of interest from various sporting groups for a range of assets. There are a further 30 Community Council areas where recreation assets are already managed locally rather than by the County Council.

The Council is in various stages of discussion with the range of Community Councils and groups that have expressed an interest in the facilities. Some transfers have been undertaken on licence pending completion of issues raised by the Coal Industry Social Welfare Organisation (CISWO) such as Pontyberem Park and Parc Stephens, Kidwelly. The majority of transfers are currently in the hands of solicitors, with others remaining at an early discussion

stage.

Proposed Way Forward

The following next steps are proposed, for discussion:

- 1) In order to incentivise early completion of the transfers, the Maintenance Grant which is currently 2 x the annual maintenance cost is reduced to 1 x the annual cost for transfers completed after 31st March 2017. After April 2018, no maintenance grant is made available.
- 2) With regard to the assets which have not attracted an EOI, it is now proposed that a consultation exercise be undertaken which will seek the views of stakeholders. This may prompt expressions of interest from other groups within the relevant communities. It is proposed that any interested party is given the same incentive and timescale outlined above. Upon completion of the consultation process, a report would be provided on the results, including relevant recommendations. The Executive Board is asked to consider the form and timing of the consultation.
- 3) As a result of the various discussions and negotiations that have taken place in the run up to the deadline of 1st April this year, Llanelli and Ammanford Town Councils have put forward proposals to partly fund the running costs of some assets within their relevant areas. Whilst these discussions have grown out of the initial asset transfer debate, they have subsequently been dealt with separately from the Community Asset Transfer dialogue to ensure that a consistent approach has been taken across the County insofar as transfer discussions are concerned. It is recommended that, where it has been made clear to the County Council that asset transfers will not be undertaken, but an offer to partly fund is available, this group of assets be dealt with in the same way as assets that have had no EOI's i.e. progressed to consultation.
- 4) In the last update report to Executive Board on this subject (4th January 2016), reference was made to the publication of statutory notices necessary under s123 of the Local Government Act 1972 seeking public comments on the proposed transfers. It was noted in the last report that one objection had been received, in relation to Parc Howard. The Executive Board noted the objection and it was resolved that the Leader meet with the friends of Park Howard to discuss proposals for the parks future maintenance. Executive Board is now asked to consider whether the asset transfer process should apply to Park Howard.
- 5) Finally, Cwmamman Town Council, Llanedi and Llannon Community Councils are all close to completing the asset transfer process. As a condition of completing the transfers, the County Council, has been asked to include the following undertaking:
 - a) Any lease should specifically allow for the disposal of transferred land as required subject to any receipt being re-invested for the improvement of facilities within the community.
 - b) The transfer is completed on the basis that the County Council confirms that it will no longer support any sport or play facilities in any communities after an agreed date. In the event that there is a change in policy in the future resulting in a more favourable policy or financial arrangement with regard to sporting or play facilities, then that benefit should be

equally applied to these transfers.

It is recommended that the Council agrees to point (a) with a proviso that the Town Council / Community Council must conduct appropriate consultation, and that the County Council will dispose of the property with the Town Council / Community Council receiving the proceeds less costs associated with the disposal for reinvestment in the local area.

In relation to point (b), during negotiations in the summer of last year it was proposed that, should a better offer be made in the future (in comparison with the current Maintenance and Improvement Grants on offer) then this would be applied retrospectively to transfers previously completed to ensure equality and consistency. It has been confirmed, however, by the Clerk to the Community Councils in question, that this is not considered sufficient, and that an undertaking is required from the County Council relating to its future policy on this matter. It is recommended that the Council does not commit to give this undertaking, as it would fetter the Council's future decision making, and possibly be viewed as predetermining any future consultation process.

Members will be aware that whilst this report has focused on Parks, Playgrounds and Amenity Areas, other transfers are ongoing across a range of other portfolios e.g. Community Education Centres. Progress on asset transfers in general have been the subject of regular reports to the Policy and Resources Scrutiny Committee, most recently on 9th June 2016.

DETAILED REPORT ATTACHED?	YES (Appendix attached)
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Jonathan Fearn

Head of Property

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	NONE	YES

Policy, Crime & Disorder and Equalities

The proposals contributes to the Making Better Use of Resources Theme and is in accordance with adopted Community Asset Transfer procedures.

Where the Council receives no interest in taking a transfer of a particular recreation asset, a suitable consultation process would be required and equalities impact assessment to determine future provision. The process will also need to take on board play sufficiency matters.

Legal

The proposals will require legal input to formalise the agreements. Asset transfers, in accordance with the adopted Procedures, are undertaken on a long-leasehold basis. All assets will have been the subject of Public Open Space Notices where relevant in accordance with s123 of the Local Government Act 1972

Finance

The proposals involve one-off maintenance grants and potential improvement contribution to bring about longer term revenue savings.

It is anticipated that, based on the EOI's submitted to date, the Asset Transfer Fund will be fully allocated.

The estimated maintenance grant payable if all current EOI's proceed to transfer is around £500,000.

Risk Management Issues

Asset transfers would normally pass insurance responsibility via the lease to the tenant, reducing the County Council's liability.

Physical Assets

Asset transfers ensure the continued use of the assets concerned for the benefit of present and future generations and would result in a reduction in the number of assets directly managed by the County Council.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Fearn

Head of Property

1. Scrutiny Committee

Policy & Resources Scrutiny Committee was updated on 30th April 2015 and 9th June 2016

2. Local Member(s)

Consulted as part of the asset transfer process and prior to any disposal

3. Community / Town Council

Various consultations / workshops and meetings held

4. Relevant Partners

Various consultations / workshops and meetings held with sporting groups and third sector bodies.

5. Staff Side Representatives and other Organisations

Relevant Unions have been consulted on the asset transfer proposals, although no staffing implications are envisaged.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
CAT procedures		http://www.carmarthenshire.gov.wales/media/1109397/Community-Asset-Transfer-Procedures-2013-16.pdf
Original Executive Board Report 15.12.2014		http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20141215/item11.htm
Executive Board Report Community Asset Transfer Update 4.01.16		http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&MId=203&Ver=4 http://democracy.carmarthenshire.gov.wales/documents/s3636/Summary.pdf
Parc Howard Objection letter		http://democracy.carmarthenshire.gov.wales/documents/s3638/Appendix%203a.pdf