

**EXECUTIVE BOARD
26TH JUNE 2017**

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

Recommendations / key decisions required:

1. To note the present status of various transfers to Community Councils and sporting organisations.
2. To confirm which assets should proceed to the consultation phase.
3. To confirm the Maintenance Grant for assets where transfers were not completed prior to 31st March 2017.
4. To consider the introduction of a revised calculation of Maintenance Grant payments from 1st April 2017.

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 follow the Executive Board's decision on 20th June 2016 and highlight the Community and Town Councils which would be subject to the reduced grant.
4. To incentivise completion of transfer discussions; safeguard the County Council's financial commitment; and to reflect the introduction of newly elected Community and Town Councils.

Relevant scrutiny committee to be consulted	NO
Executive 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:

Jonathan Fearn

Head of Property

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Report Author:

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EXECUTIVE SUMMARY

Executive Board

26th June 2017

COMMUNITY ASSET TRANSFER UPDATE PARKS, PLAYGROUNDS & AMENITY AREAS

Background

The Community Asset transfer of parks, playgrounds and amenity areas has been the subject of various reports to members over the last few years.

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 continued with the various Councils and also a range of sporting groups and other organisations who expressed interest in asset transfer. Interested organisations were offered a Maintenance Grant of 2x the 2013/14 maintenance cost for each asset, together with an Improvement Grant of up to £10,000 per organisation mentioned above.

A further update and report on the transfer process was provided to Executive Board on the 20th June 2016. As a result of the report the Executive Board unanimously resolved amongst other items the following matters:

- *“In order to incentivise early completion of the transfers, the Maintenance Grant which is currently 2x the annual maintenance cost is reduced to 1x the annual cost for transfers completed after 31st March 2017. After April 2018, no maintenance grant is made available.”*
- *“With regard to the assets which have not attracted an Expression of Interest (EOI)”*

... “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” ... “Upon completion of the consultation process, a report would be provided on the results, including relevant recommendations.”

- “That, in relation to the form and timing of formal consultation on the future management of facilities not subject to an Expression of Interest for asset transfer it was agreed that this should take place in 2017 and that, in the meantime, informal discussions should continue with the 9 Town and Community Councils which had not yet submitted an Expression of Interest”

Current Position

Discussions have continued with all organisations to promote local management of facilities and to progress transfers in accordance with the agreed procedures. The table in Appendix 1 sets out the current position in each area and identifies the following:

- A) Community Councils and sporting bodies that have completed transfers either on leases or on licences pending conclusion of the legal formalities. (Representing 26% of the assets under consideration)
- B) Assets that were the subject of an EOI within the deadline set by the Executive Board decision, but did not complete before March 31st 2017 due to legal or other issues beyond the applicant’s control. (Representing 33% of the assets under consideration)
Under the present arrangements, these assets would receive 2x the annual maintenance cost as the failure to meet the previous deadline was outside the applicant’s control.
- C) Assets that were the subject of EOIs but outside the timelines set by the Executive Board, with no mitigating reasons for delay. (Representing 23% of the assets under consideration)
Under the present arrangements the maintenance grant would reduce to 1x the annual maintenance cost.
- D) Assets that have received no EOI. (Representing 18% of the assets under consideration)
Under the present arrangements these would now form part of a consultation exercise with various stakeholders on the future of the various assets.

Proposed Way Forward

The following steps are proposed, for discussion:

- 1) That the premises noted under D) above are to form part of a consultation exercise with the various stakeholders on the future of the relevant assets.
- 2) In order to promote the transfer process in the final year leading up to 31st March 2018 deadline, it is proposed that **all interested parties** (assets in categories B & C above) are allowed a grant of **2x** the annual maintenance **irrespective of the reasons for any delay to**

date. It is recommended that, to reflect the concession being made, and in order to incentivise early completion of the remaining transfers, the Maintenance Grant is reduced by 1/24th per month from 1st April 2017, up to the date of transfer.

- 3) The deadline for transfers to benefit from Maintenance and Improvement Grants remains as 31st March 2018.

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 YES	Legal YES	Finance YES	ICT NONE	Risk Management Issues YES	Staffing Implications NONE	Physical Assets YES
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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.

The improvement and maintenance grant payments will be fully funded by existing budgets.

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

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 Not applicable

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	Locations that the papers are available for public inspection
Community Asset Transfer Procedures		http://www.carmarthenshire.gov.wales/media/1109397/Community-Asset-Transfer-Procedures-2013-16.pdf
Executive Board, 15th December 2014, Item 11: TRANSFER OF PARKS, PLAYGROUNDS AND AMENITY AREAS		http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20141215/index.asp
Executive Board, 4 th January 2016, Item 5: COMMUNITY ASSET TRANSFER - UPDATE		http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&MId=125&Ver=4
Executive Board, 20th June 2016, Item 12,: TRANSFER OF PARKS, PLAYGROUNDS, AMENITY AREAS - COMMUNITY ASSET TRANSFER UPDATE		http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&MId=350&Ver=4