

TELFORD & WREKIN COUNCIL

CABINET- 28th MARCH 2013

COMMUNITY CLUB ASSET TRANSFER POLICY

REPORT OF ASSISTANT DIRECTOR OF NEIGHBOURHOOD AND LEISURE SERVICES

LEAD CABINET MEMBER – CLLR ARNOLD ENGLAND

(PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 The Telford & Wrekin Council Playing Pitch Strategy recognises the opportunity to support local voluntary sports clubs through the transfer of playing pitches and associated facilities into their direct control. The proposed Community Club Asset Transfer Policy (Appendix 1) seeks to establish a fair, consistent and transparent framework and methodology for considering requests from community clubs wishing to manage such facilities.
- 1.2 The Playing Pitch Strategy recognises the opportunity to protect certain playing fields which are identified by both the Council and the Shropshire Football Association as being of strategic importance, through the Queen Elizabeth II Fields Challenge programme. Following successful dedication of the Town Park Arena and Sitchley Playing Fields it is proposed to submit a nomination for Fields in Trust status in respect of the Malinslee Playing Fields (Appendix 3).

2 RECOMMENDATIONS

- 2.1 **That Cabinet endorse the Community Club Asset Transfer Policy.**
- 2.2 **That Cabinet grant delegated authority to the Assistant Directors, Neighbourhood & Leisure Services and Development, Business & Housing in consultation with the respective Cabinet Members to determine applications made under the Community Club Asset Transfer Policy and to enter into all associated agreements.**
- 2.3 **That Cabinet agree to nominate the Malinslee Playing Fields for protection in perpetuity under the Queen Elizabeth II Fields Challenge (Appendix 3) and authorise the Assistant Director Neighbourhood & Leisure Services to execute all necessary paperwork.**

3 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The proposal will enhance community and sporting provision for a range of community groups particularly children and young people and contribute to the health & wellbeing of the community.
	Will the proposals impact on specific groups of people?	
	Yes	The Community Club Asset Transfer Policy will support clubs to become more sustainable and will ensure high quality, multi-team provision with excellent social, training and playing opportunities for all, irrespective of age,

		gender, religion and ability.
TARGET COMPLETION/DELIVERY DATE		It is proposed that the policy be implemented from April 2013.
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	As outlined within the report, each request under the Community Club Asset Transfer Policy will have to be supported by the business case that demonstrates ongoing financial viability and that there will not be a negative financial impact on the Council. In order to ensure this it will be necessary for the rental income from the lease to be at least equal to the income received by the Council from the hire of the pitch. It is anticipated that a condition of any lease will transfer the responsibility for maintenance of the pitches to the Community Clubs, and the impact on this requirement on the financial viability of the proposal will be demonstrated via the business case. Financial support will be provided as required. JAC 31/01/13
LEGAL ISSUES	Yes	Each proposed disposal will need to either fall within the parameters of the General Disposal Consent (England) 2003 or obtain specific consent from the Secretary of State. As the disposal will be at an undervalue the Council would need to be satisfied that the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. The requirements of s.123 Local Government Act 1972 which require that a proposed disposal is advertised will also need to be complied with. Legal advice in respect of each disposal will be provided. The designation of land under the Fields in Trust (FIT) scheme will place restrictions on the land including a prohibition on sale without the consent of the FIT organisation and provision of replacement land.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Opportunities to pilot alternative ways of working which reflect the Co-operative council values and actively involve stakeholders. Having a formally adopted policy with agreed criteria will promote equality of opportunity. Appropriate conditions will be built into all agreements to ensure the required community benefit is realised and sustained.
IMPACT ON SPECIFIC WARDS	No	Borough wide impact.

(PART B) – ADDITIONAL INFORMATION

4 INFORMATION

- 4.1 The Telford & Wrekin Council Playing Pitch Strategy supports the principle of the development of community club managed sites where appropriate and where they can be shown to be of benefit to the club, the sport and the wider community. Typically the

development of a community club managed site would include the transfer of a Council owned asset such as land or buildings from the local authority to a local sports club or other community or voluntary sector organisation.

- 4.2 Since the publication of the Strategy a number of expressions of interest have been received from football clubs who are keen to manage the facilities which they use. It is proposed that the Council adopt a Community Club Asset Transfer Policy in order to provide a fair, open and consistent approach to considering requests. Assets in relation to this policy are defined as a playing pitch in open space (not a school, leisure centre or formal park) and associated facilities that are currently utilised or have the potential to be utilised for the purposes of grassroots football or other recognised sport.
- 4.3 There are a number of potential transfer options e.g. freehold, a long lease, a shorter lease or a licence to occupy however to ensure sustainability the length of tenure will need to be long enough to help the club secure external investment. As such a lease of up to 25 years is likely to be the most appropriate option in most cases.
- 4.4 All asset transfers will need to be able to demonstrate that they help the Council to secure the promotion or improvement of the economic, social or environmental well-being of the area. It is proposed that community asset transfer applications be submitted via an initial Expression of Interest form (Appendix 2). Successful applicants will then be invited to work with officers to develop a business case in order to demonstrate:
- That the transfer of management/ownership of land will promote community benefit as set out above.
 - Sufficient organisational capacity and structure to be in a position to manage the transfer and provision.
 - The organisation is in a position to access resources to maintain or improve the facility to a 'good' standard as recognised in the Telford and Wrekin Playing Pitch Strategy.
 - Demonstrate the ability to support the key objectives outlined in the Community Club Asset Transfer Policy.
- 4.5 It is proposed that the business case or cases and any objections received are then evaluated by an appropriate panel including representatives from Leisure, Legal, Property Services, Environmental Services and the Football Association (or alternative respective governing body) who will make a recommendation to the Assistant Directors (Neighbourhood & Leisure Services and Development Business & Housing) along with respective Cabinet Members to consider under delegated authority.
- 4.6 Whilst no two club's needs or circumstances will be exactly the same it is intended that the following core principles form the basis of all agreements for the transfer of any Council owned asset under this policy and that the appropriate conditions be built into any agreement or lease and that they be monitored.
- Increase participation across the whole community
 - Encourage healthy and active lifestyles
 - Provide good quality, accessible facilities.
 - Ensure pitch and facilities are well designed, fit for purpose, energy efficient and sustainable
 - Maximise external investment
 - Improve the game, players, coaches and volunteers
 - Improve safety and safeguarding.

4.7 It is proposed that a list of priority sites be identified for consideration under the proposed Community Club Asset Transfer Policy including those that are currently classed as 'self help sites' and already have a formal agreement in place, sites utilised by a single club and sites in need of investment.

5. Queen Elizabeth II Fields Challenge

5.1 The Queen Elizabeth II Fields Challenge seeks to safeguard open space and pitches for sport, play and recreation as part of the Queen's Diamond Jubilee and the London 2012 Olympic and Paralympics Games Legacy, the scheme is shortly due to close.

5.2 The Council has already successfully completed the dedication process in respect of the Town Park Arena and the Stirchley Playing Fields and has been asked by the Shropshire FA to consider nominating the Malinslee Playing Fields due to its strategic priority as a multi pitch site for junior football.

5.2 Although identified as a strategically important site the formal pitches are not currently in use due to their condition. Malinslee therefore is the only identified site of strategic importance that is not currently being used. There is also currently no changing provision on the site.

5.3 It is proposed to protect the playing fields in perpetuity through their nomination for Fields in Trust status under the Queen Elizabeth II Fields Challenge. The proposed designation accords with the recommendations of the Council's Playing Pitch Strategy and potentially affords additional external funding opportunities which could be used to reinstate the pitches and potentially further improve the site.

6. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

6.1 Community Impact

The Community Club Asset Transfer Policy represents an opportunity to practically apply the Co-operative Council values of involvement, engagement and ownership which will help stakeholders to grow whilst improving services for the community and contributing to council priorities.

6.2 Other Impacts and Risks

Other impacts, associated risks and mitigation will be considered on an individual basis as part of the development of the business case and any subsequent.

7. PREVIOUS MINUTES

a. Telford & Wrekin Council Cabinet 29.03.12

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