

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 3, CIVIC CENTRE, SWANSEA ON
THURSDAY, 13 NOVEMBER 2014 AT 2.00 PM

PRESENT: A M Day (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	E W Fitzgerald	S E Crouch
D W Cole	T J Hennegan	G J Tanner
J P Curtice	J W Jones	
P Downing	P M Meara	

Co-opted Members

S Joiner, D Anderson-Thomas.

Also present:

Councillor M C Child, Cabinet Member, Wellbeing and Healthy City
Simon Tse, Mumbles Community Association

Officers:

Tracey McNulty - Head of Cultural Services
Ian Beynon - Development & Outreach Manager, Cultural Services
Lewis Hinds - Valuer, Corporate Building & Property Services
N Havard - Directorate Lawyer
B Madahar - Overview and Scrutiny Co-ordinator
S Woon - Democratic Services Officer

92 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

93 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST**

In accordance with the Code of Conduct adopted by the City and County of Swansea no interests were declared.

94 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

95 **PRE-DECISION SCRUTINY – PROPOSED LEASE OF UNDERHILL PARK TO MUMBLES COMMUNITY ASSOCIATION**

The Chair presented a report which advised the Committee on the aim of the meeting and provided guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on 'Proposed Lease of Underhill Park to Mumbles Community Council'.

The report contained proposals relating to the management of Underhill Park, which is currently owned and maintained by the Council. The report provided an opportunity for the Committee to express their views before Cabinet considered the report.

The Committee felt that this was an important matter taking into account impact, community interest and financial implications.

The Committee focussed on:

- the rationale for the report
- the robustness of the proposed decision and process followed
- potential implications and risks
- whether alternative options were considered
- the extent of consultation undertaken

The following issues were explored and addressed by Officers of the Authority and representatives of Mumbles Community Association:

- The background to the proposal.
- Mumbles Sports and Social are already a limited company. The status of Mumbles Community Association is at the present time neither a limited company or a registered charity, however, an application will be submitted for the Mumbles Community Association to be incorporated as a Charitable Incorporated Organisation.
- Volunteers from Mumbles RFC, Mumbles AFC and other interested parties have the common goal of enhancing facilities.
- There is a Terms of Reference and Constitution in respect of Mumbles Sports and Social.
- Mumbles Community Association may have access to funding opportunities not available to the Council.
- The various phases of the project.

Members' questions included:

- the legal status of the Mumbles Community Association
- respective responsibilities and obligations between the council and the association
- legal and financial implications
- proposed improvements
- community use of facilities
- future public access to the park

RESOLVED that Cabinet consider the following issues prior to making a decision on the report:

1. The committee broadly supports the proposed recommendations in the report for an agreement in principle to transfer management of the park, and considers that this is a potentially very interesting example of community action in relation to local services. There may be general principles here for the council in future in relation to parks and open spaces elsewhere, given the financial pressures upon the Council and moves to encourage investment from others to safeguard and take over the running of community facilities, and improvement. This could provide a template for other clubs who may be interested in following this example, so the committee hope it is a success.
2. However, there are a number of issues which the committee wish to bring to the attention of cabinet to inform not just the immediate decision on 18 November but future decisions.
3. When it comes to the specific terms of the lease for this arrangement, the committee discussed the inclusion of provisions on:
 - a. how to provide an assurance about future public access to the park-the Lease will require careful wording and need to refer expressly to the site being Public Open Space.
 - b. ensuring clarity about the areas of the park covered by the lease and which will be under the responsibility of the MCA, and those which the council will remain liable for (e.g. maintenance of children's playground, woodland areas, boundary / retaining walls) – the Landlord's and Tenant's obligations will need to be clearly understood and specified in the Lease; alternatively a separate Management Agreement may be the way forward
 - c. giving greater clarity of the financial implications as it is evident there will be an ongoing need for council maintenance of some areas of the park that will not be covered by the MCA.
 - d. fees and charges, and clarity on the mechanism to control raising prices unduly and deterring community usage-again these provisions could usefully be incorporated into a Management Agreement
 - e. giving clarity about how any future disputes between the association and the council would be resolved, and how disputes from third parties will be handled-the lease should incorporate a disputes resolution clause
4. In addition to the specific matters raised in connection with Underhill Park, the committee felt that there are a number of general advisory notes for the attention of Cabinet.
 - a. When submitting proposals, we would encourage that, for any proposal put forward, there is a need for a clear rationale for it, an indication of whether any other alternatives had been considered and to ensure that the relevant department, legal and corporate property sections work together to address any legal constraints to transferring facilities, as we feel that the Council should give more encouragement and support to community groups.

- b. The committee felt that a template lease if possible (taking into account the circumstances of each proposed transaction) should be prepared for issuing to community groups and associations as this may be useful to facilitate future community involvement.
- c. The committee would also like to see some form of pack prepared to indicate what support can and cannot be offered by the council to community groups to ensure they are clear what help can be given by the authority.
- d. The committee also felt that there may be lessons to be learned from the experience in terms of ensuring meaningful community and public engagement. In the Committee's view, it will be essential to develop and apply a clear consultation strategy for future proposals. In preparing a strategy, and ensuring all stakeholders are consulted, we would emphasise the importance of local councillors being informed about any discussions on proposals or developments affecting their ward(s).

The meeting ended at 3.15 p.m.

CHAIR