



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

**To/
Councillor Mark Child,
Cabinet Member for Wellbeing &
Healthy City**

BY EMAIL

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SPC/2014-15/5

*Your Ref
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*Date
Dyddiad:*

14 November 2014

Dear Councillor Child,

**Re: Pre-Decision Scrutiny of Cabinet Report: 'Proposed Lease of
Underhill Park to Mumbles Community Association'**

The Scrutiny Programme Committee met on 13 November to consider this report. The matter had been identified for pre-decision scrutiny and the meeting enabled the committee to discuss the report with you, as the lead cabinet member, and officers involved in the development of the report. We also met with Simon Tse who represented the Mumbles Community Association (MCA). We thank everyone for their engagement in the process.

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

There were questions raised about:

- 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

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

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What follows is the view of the committee, which we ask cabinet to take into consideration before making its 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 authority 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 we hope it is a success.
2. However, there are a number of issues which we wish to bring to your attention 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, we 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, we felt that there are a number of general advisory notes that we wish to draw to 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 authority should give more encouragement and support to community groups.
- b. We 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. We 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).

We would be grateful for your response to this letter so that the committee is informed of the decision taken by cabinet and its consideration of the views expressed. It would be helpful to receive your reply to this letter by 15 December so that it can be included in the agenda of a future committee meeting at the earliest opportunity.

Yours sincerely,



COUNCILLOR MIKE DAY

Chair, Scrutiny Programme Committee

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