

Subject:	Self- Managed Sports Facilities in Parks and Recreation Grounds		
Date of Meeting:	Environment Transport and Sustainability Committee - 19th January 2021 Policy & Resources Committee – 18th March 2021		
Report of:	Executive Director Economy Environment and Culture		
Contact Officer:	Name:	Robert Walker	Tel: 01273 294349
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Ward(s) affected:	All		

FOR GENERAL RELEASE.**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 In 2016/17 the Council decided to commence the process of transferring sports facilities in parks to sports clubs and user groups in order to ensure the future sustainability of these facilities. This decision was made in light reducing budgets available for maintenance and investment into these facilities.
- 1.2 This is an approach being taken nationally by many local authorities, supported by many sports federations, in order to enable sports clubs and communities to generate investment to upgrade and maintain facilities and to allow those clubs and communities to determine how these facilities are accessed and managed.
- 1.3 This approach is aligned to the subsequent Community Asset Transfer Policy (CATP) (Appendix 1) which was approved at Policy, Resources & Growth Committee in January 2018. This policy set out a consistent approach to maximising social value as well as financial value in relation to the council's property and land portfolio.
- 1.4 The report is recommending that the criteria to be used in relation to the transfer of outdoor sports facilities in parks and recreation grounds (appendix 2) are adopted and added to the CATP as an appendix)

2. RECOMMENDATIONS:**That Environment Transport and Sustainability Committee:**

- 2.1 Notes the progress made in transferring outdoor sports facilities to sports clubs and community organisations.
- 2.2 Recommends that Policy and Resources Committee approves the additional criteria which are to be considered in determining the transfer of outdoor sports

facilities in parks to community organisations as set out in appendix 2. and that they are added to the CATP as an appendix.

That Policy and Resources Committee

- 2.1 Notes the progress made in transferring outdoor sports facilities to sports clubs and community organisations.
- 2.2 Approves the additional criteria which are to be considered in determining the transfer of outdoor sports facilities in parks to community organisations as set out in appendix 2 and agrees that they are added to the CATP as an appendix

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 As part of budget setting, at Full Council on 25th February 2016 it was agreed that the Council should adopt a commercial approach to promoting self-managed sport and recreation facilities by users alongside full cost recovery. This covers bowling clubs, tennis courts, football and cricket pitches and allotments
- 3.2 In delivering the required savings officers were asked to engage with user groups to find the preferred ways of delivering the savings. Some are being delivered by other methods. including, commercial leases on buildings previously used for sport, voluntary work by sports users and donations from allotment holders.
- 3.3 Self-management of sports facilities has proven to be very successful with clubs and other organisations able to generally offer better facilities at little or no cost to the Council. Some cricket clubs in the City moved to self- management prior to the more recent budget cuts in part in response to declining provision but also to give them greater flexibility going forward and clubs like Brighton and Hove Cricket Club and St Peters Cricket Club have done very well under this model, providing better facilities and reaching a broader range of residents.
- 3.4 The approach taken aligns to the Community Asset Transfer Policy 2018 which sets out a consistent approach to community asset transfers for the council. **Section 1.2.3** of the policy sets out that organisations that apply for transfers must be properly constituted such as a not for profit organisation or a Community Interest Company. The key principles of the policy are:
 - That any transfer application must support the aims and priorities of the council.
 - Community asset transfer is not an automatic right and all applications will be assessed on a case by case basis.
 - Approved transfers will generally be on a leasehold basis. Freeholder transfers will only be considered in exceptional circumstances.
 - Some transfer applications may require committee approval in addition to the decision-making process set out in **Section 6.4** of the CATP.
- 3.5 The CATP sets out the potential key drivers for community asset transfers as follows:

- Supporting a third sector organisation to continue to deliver a key activity for residents where the transfer will allow the organisation to bid for and secure funds and/or to support a more sustainable business model
- Supporting a third sector organisation to deliver a specific service in line with the council's objectives where the service can be best provided through a council owned asset
- Protecting a heritage or otherwise important city asset that may fall into disrepair if stewardship is not provided by a third sector organisation
- Where a third sector organisation is considered to be best placed to provide an alternative delivery model for an existing council service from an existing council owned asset

3.6 The authority to lease council assets is delegated to the council's Property and Design Estates Team via the Executive Director of Economy Environment and Culture for periods of up to 25 years. Once approved the council leases or licences the facilities to the community organisation. As a tenant the community organisation can then invest in upgrading the facilities and can charge for access in order to recover the cost of their investment and running costs. It is for the organisation to run the facility subject to conditions that the council has set which are designed to support the need for community interest to be upheld.

3.7 The majority of transfers of outdoor sports facilities to community organisations have been successful to date. However, in a recent case there was a dispute between members of the community as to which community group the facility should be transferred to. Therefore, it is recommended that for the future transfers of outdoor sports facilities in parks and recreation grounds, some additional parameters need to be set out in order to ensure that transparent and appropriate decisions are made and to ensure that community value is maximised.

3.8 It is therefore proposed that the additional criteria for outdoor sports facilities transfers are adopted as set out in appendix 2 and added to the CATP as an appendix.

3.9 It should be noted that there may be cases where it is determined that it is not in the best interests of the council or the community to transfer an asset. In such cases the reasons for this will be relayed to the applicant/s.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 It is clear that in many cases self-management of sports facilities is a good way to keep publicly available sports facilities in parks.

4.2 A key driver for change has been financial and the need to deliver savings without closing lots of facilities. Following discussions with user groups a variety of different ways of providing these savings have been explored and implemented as already outlined.

- 4.3 The option of charging more has been considered. The general feedback is that full cost recovery by charging is not a realistic solution. There are two issues with this: one is the willingness and ability of users to pay the other is the practicality of collecting the fees. At one time the council employed fee collectors to collect money on both bowls and tennis facilities, however in general this only covered the cost of the attendant and did not contribute to the maintenance of the facilities. Currently with sports such as tennis if the Council could effectively control the courts and get the users to pay the fees agreed by the Council the situation would be very different. A trial of online booking and payment for tennis courts at Preston Park resulted in very little income, it is thought principally due to lack of local buy- in and control.
- 4.4 As the council's resources have decreased other elements of facility control have gone. There is no longer any regulation of coaching activities on our facilities and it has become a free for all in some areas where there is not club control. If no changes are made this will not improve.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Community engagement has been targeted at clubs, leagues, governing bodies and bodies representing users. Details for each sport is below:
- Football consultation has been with the principal leagues operating in the City and the Sussex FA.
 - Cricket consultation has been with individual clubs and county cricket representatives.
 - Tennis consultation has been with clubs, the Brighton and Hove League, some of the coaches, a small number of casual players and the governing body [Lawn Tennis Association].
 - Rugby consultation has been with the two clubs based in the City.
 - Bowls consultation has been with a small group of bowlers put forward by the City's clubs.
 - Although not sport Allotment consultation has been with Brighton and Hove Allotment Federation.

Ward members have been consulted on individual proposals in their wards and where Parks' Friends of Groups exist, they have also been consulted.

6. CONCLUSION

- 6.1 Self-management of sports facilities can be more effective than council management but to work well it needs the support of the majority of users.
- 6.2 The recommended additional criteria for making decisions in relation to outdoor sports facilities will increase the clarity and transparency of decision making.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations of this report. As set out in paragraph 1 of this report, a key driver of self-management of sports facilities in parks is financial to ensure the future sustainability of these facilities.

Finance Officer Consulted: James Hengeveld

Date: 06/01/2021

Legal Implications:

- 7.2 As noted in the Community Asset Transfer Policy, the council cannot dispose of land for less than the best consideration that can reasonably be obtained except with the consent of the Secretary of State (S123 of the Local Government Act 1972). Specific consent is not required for the disposal of any interest in land for an undervalue of up to £2 million provided that the authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the whole or any part of its area or of all or any persons resident or present in its area

Lawyer Consulted: Hilary Woodward

Date: 4/1/21

Equalities Implications

- 7.3 Currently in some areas sport is free as although charges have been agreed by council they are not financially viable to collect or are evaded. However a continuation of this situation will result in facilities falling into disrepair and no longer available to the public. In the short term this can cause problems for people on lower incomes but the medium term effect is the same, the facilities are no longer available. The methods used by clubs and CICs to deliver improved equality vary but for clubs to secure funding going forward they generally have to work towards their governing bodies' equality targets. In the self-managed clubs good work is being done to reach out to minority ethnic groups in cricket and both rugby and cricket have done a lot of work to increase women's participation, cricket also operates bursaries for players from lower income families.

Sustainability Implications:

- 7.4 Transferring sports facilities to community organisations has the potential to ensure the future sustainability of low cost community sports facilities.

Brexit Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton and Hove Council Community Asset Transfer Policy 2018
2. Additional Criteria for the transfer of sports facilities in parks.

Background Documents

1. [Budget Council 2016 - Summary of Savings](#)
2. [Report - Community Asset Transfer Policy 26th January 2018](#)