

REPORT TO CHIEF OFFICER NEIGHBOURHOODS, PLANNING AND PUBLIC PROTECTION

8 January 2019

PROPOSED CONSULTATION ON THE DISPOSAL, BY WAY OF A LEASE TO PONTYPOOL RUGBY LIMITED, THE RUGBY PITCH AT PONTYPOOL PARK, PONTYPOOL, TORFAEN

Report Submitted by: Andrew Osborne, Group Leader, Environment Strategy and Streetscene Operations

Report Written by: Andrew Osborne, Group Leader, Environment Strategy and Streetscene Operations

1. Area Affected

1.1 The Ward of Pontypool.

2. Purpose of Report

2.1 To obtain approval to undertake public consultation on the disposal by way of a lease to Pontypool Rugby Limited, the rugby pitch at Pontypool Park, in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.

3. Key Messages

3.1 The Council wishes, subject to the outcome of the consultation exercise, to exercise powers under s123(1) of the Local Government Act 1972, to dispose, by way of a lease to Pontypool Rugby Limited, the rugby pitch at Pontypool Park, Pontypool, Torfaen.

3.2 In compliance with an historic agreement with the Park Vendors, permission has been sought and secured for a change to the Park Covenant Agreement, thereby allowing exclusive rights of possession to be granted for open spaces in Pontypool Park. This permission is subject to public consultation in accordance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. As such, permission is being sought to begin a process of consultation.

3.3 The conclusion of an impact assessment is that the disposal, by way of lease of the rugby pitch to Pontypool Rugby Limited will not adversely affect the sufficiency and availability of playing fields and sports pitches within Pontypool or Torfaen.

3.4 The consultation will allow statutory consultees, stakeholders, adjacent landowners, sports clubs, NGO's and the public an opportunity to comment on the proposed disposal.

4. Background

4.1 Torfaen County Borough Council is seeking to enter into a lease with Pontypool Rugby Limited, at the Club's request, which will provide the Club with exclusive possession of the rugby pitch, surrounding path and open terrace currently in the ownership of Torfaen County Borough Council.

- 4.2 The Club currently has a license with the Council which does not provide exclusive possession and does not allow them to make the necessary improvements to allow the Club to thrive and prosper.
- 4.3 The current landowner is Torfaen County Borough Council, which also owns substantial parts of Pontypool park.
- 4.4 Pontypool Park is subject to an historic covenant(s) which enables the public to have free access through the park open spaces including across the rugby pitch, the surrounding path and open terrace should they wish. The Council upholds that right within the constraints of local byelaws and public orders.
- 4.5 In order for a new lease to be issued that enables exclusive possession of part of the open space in Pontypool Park, a change to the covenant(s) is required to provide a clause that would allow the pitch area to be excluded from public access within the park.
- 4.6 Permission has been granted through agreement with the current vendor(s) that the covenant can be changed enabling the Council to issue a new lease for exclusive possession, subject to undertaking public consultation in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015, and having undertaken an impact assessment (Appendix 2).
- 4.7 The provision of a lease that provides exclusive possession of a playing field that currently has open access for the public to use is considered as a disposal of a playing field under the regulations.

5. Issues and Findings

- 5.1 Pontypool Rugby Club has expressed concerns over recent years in connection with anti-social behavior, vandalism, drug abuse and damage to the stand and pitch with fires, litter and malicious interference with the pitch, putting players and the public at risk.
- 5.2 The Club wishes to acquire a lease with exclusive possession to enable more influence and control over the space to address the issues in 5.1 more proactively.
- 5.3 The Council is supportive of this approach and through legal discussions with the covenant vendors, secured permission to change the covenant allowing a lease to be agreed providing exclusive possession for the Rugby Club.
- 5.4 This allows the Council to commence the consultation mentioned in 4.6 in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. The consultation process, the consultees and the period of consultation is clearly set out in the regulations
- 5.5 To support the consultation, the Council is required to undertake an impact assessment. The playing field regulations require the assessment to be undertaken to determine whether there will be an adverse impact as a result of the disposal, by way of a lease, on the Key Strategies, Plans and Assessments of the area.

- 5.6 The impact assessment is attached with this report (Appendix 2). The conclusion of the impact assessment is that the disposal, by way of lease of the rugby pitch to Pontypool Rugby Limited will not adversely affect the sufficiency and availability of playing fields and sports pitches within Pontypool or Torfaen.
- 5.7 The conclusion of the impact assessment also indicated that access to openspace in the context of both the Park, Pontypool and Torfaen as well as the subsequent health and well-being of the community would not be significantly affected. Pontypool Park has significant alternative paths and open spaces for informal play and walking which tend to be used currently in preference to the rugby pitch and perimeter path.
- 5.8 However it was recognised that some current users such as the Park Run Group, may be impacted if there was a restriction on use of the pitch perimeter path.
- 5.9 The consultation period from the point of issuing a notice of disposal is a minimum of 6 weeks.
- 5.10 Consultees are informed of the notice on the same day in a written letter or via the Council's citizen space web page. Notices are also erected in the Park at entrance points and on site. The notice, impact assessment and plans are to be available to view at the Civic Centre and Pontypool Active Living Centre.

6. Consultation

- 6.1 The following have been consulted on the proposals set out in this report:
- Legal Team
 - Finance Team
 - Members of the Environment and Streetscene Group
- 6.2 On approval of this report the following will be consulted. The local Ward Member, Pontypool Community Council, Statutory Consultees eg Cadw, Natural Resources Wales, Fields in Trust , Sports Council for Wales; adjoining landowners, covenant vendors, St Alban's RC High School, Pontypool Leisure Trust, Pontypool Rugby Limited and Clubs and Organisations that make use of the playing field, anybody whose main aims include preserving open space and play opportunities and any other person the Local Authority considers appropriate.

7. Well-being Assessment

- 7.1 *Integration* –. The proposal will enable the public and stakeholders to provide comment and opinion on the economic, social, environmental and cultural impact from their perspective *Long-term* –. The proposal will enable the public and stakeholders to provide useful comment and opinion on the impact of a disposal and how that may impact on their short term, long term and future use of the park and the pitch area.

- 7.2 *Prevention* – The proposal will enable the public and stakeholders to provide comment and opinion that will help to raise awareness of how important it is to address issues of anti social behaviour in the park
- 7.3 *Collaboration* –The consultation process will involve local ward member(s), the Pontypool Community Council, Statutory Consultees eg CADW, NRW, Fields in Trust , Sports Council for Wales; adjoining landowners, covenant vendors, St Alban’s RC High School, Pontypool Leisure Trust, Pontypool Rugby Limited and those Clubs and others who make use of the playing field, anybody whose main aims include preserving open space and play opportunities, any other person the Local Authority considers appropriate will provide a wide collaborative response
- 7.4 *Involvement* – The consultation process will provide local people with an opportunity to comment on the proposal.
- 7.5 *How does the decision maximize contribution to the well-being goals?*
The decision will enable the contribution to the well-being goals to be undertaken.
- 7.6 *How does the decision comply with the Welsh Language Measure (2011)* The notices, plans and impact assessment to be posted in the press and on site will be bi-lingual.
- 7.7 *How does the decision comply with the Equality Act 2010 (Statutory Duties) (Wales) Regulations (2011)?* The public consultation element is open to all and all abilities.
- 7.8 *How does the decision comply with the Environment (Wales) Act (2016)?* – Steve Williams, Team Leader, Ecology has been consulted as part of the consultation development and impact assessment.

8. Budget Implications

- 8.1 The costs of the statutory press notices and any other fees incurred will be recovered from the Neighbourhoods, Planning and Public Protection’s budget.

9. Risks

- 9.1 The risk of not approving the decision to undertake a consultation in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 is:
- Non-compliance with the Regulations
 - Delay in being able to issue a lease to the Pontypool Rugby Club and threat to the Club’s continued presence within the Park

10. Action to be taken following decision

- 10.1 A revised programme of activity established.

- 10.2 Budget code confirmed.
- 10.3 Translations of notices, letters and documents undertaken.
- 10.4 Issue of notices and start of consultation period.
- 10.5 A report on the outcome of the consultations be prepared for Cabinet approval.

11. Measures of Success

- 11.1 The Council successfully undertakes public consultation in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 and produces a report on the outcome with recommendations to be agreed by Cabinet.

12. Conclusion/summary

- 12.1 The Vendors of Pontypool Park have given permission to amend the Park Covenant Agreement, allowing exclusive rights of possession to be granted for open spaces. This permission is subject to public consultation in accordance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. Approval is therefore sought through this report, to undertake public consultation on the disposal by way of a lease to Pontypool Rugby Limited, the rugby pitch at Pontypool Park. The consultation will allow statutory consultees, stakeholders, adjacent landowners, Sports Clubs, NGO’s and the public an opportunity to comment on the proposed disposal.

13. Recommendation(s)

- 13.1 It is proposed that the Chief Officer Neighbourhoods, Planning and Public Protection approves;
 - 1. That public consultation is undertaken in compliance with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015, on a proposal to dispose by way of a lease, the rugby pitch at Pontypool Park, to Pontypool Rugby Limited.

Appendices	<ul style="list-style-type: none"> 1. Well-being Assessment Template. 2. Plan of proposed lease area 3. Impact assessment 4. Notice of proposal to dispose of part of a playing field 5. The Playing field (Community Involvement in Disposal Decisions) (Wales) Regulations 2015
-------------------	---





Background Papers	Not Applicable
--------------------------	----------------

<p>For further information about this report, please telephone: Andrew Osborne, Group Leader, Environment Strategy and Streetscene Operations. Tel 07951 029034</p>
--

APPENDIX 1 - WELL-BEING ASSESSMENT TEMPLATE

Project Description (key aims):
PROPOSED CONSULTATION ON THE DISPOSAL, BY WAY OF A LEASE TO PONTYPOOL RFC, THE RUGBY PITCH AT PONTYPOOL PARK, PONTYPOOL, TORFAEN

Section 1) Complete the table below to assess how well you have applied the 5 ways of working.

 Integration	<p>1. <i>How does your project / activity deliver economic, social, environmental & cultural outcomes together?</i> The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to provide comment and opinion on the economic, social, environmental and cultural impact from their perspective</p>
 Long-term	<p>2. <i>How does your project / activity balance short-term need with the long-term and planning for the future?</i> The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to provide comment and opinion on the impact of a disposal and how that may impact on their short term, long term and future use of the park and the pitch area</p>
 Prevention	<p>3. <i>How does your project / activity put resources into preventing problems occurring or getting worse?</i> The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to provide comment and opinion that will help to raise awareness of how important it is to address issues of anti social behaviour in the park as a collaborative approach</p>
 Collaboration	<p>4. <i>How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</i> The consultation process with local ward member(s), the Pontypool Community Council, Statutory Consultees eg CADW, NRW, Fields in Trust , Sports Council for Wales; adjoining landowners, covenant vendors, St Albans RC high School, Pontypool Leisure Trust, Pontypool rugby FC and those clubs and others who make use of the playing field, anybody whose main aims include preserving open space and play opportunities, any other person the local authority considers appropriate will provide a wide collaborative response that reflects the diversity of users of the park and its facilities</p>



Involvement

5. *How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?*

The consultation process with local ward member(s), the Pontypool Community Council, Statutory Consultees eg CADW, NRW, Fields in Trust , Sports Council for Wales; adjoining landowners, covenant vendors, St Albans RC high School, Pontypool Leisure Trust, Pontypool rugby FC and those clubs and others who make use of the playing field, anybody whose main aims include preserving open space and play opportunities, any other person the local authority considers appropriate will provide a wide collaborative response that reflects the diversity of users of the park and its facilities

Section 2) Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use **Appendix 1** to help you).

Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there anyway to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to be involved, provide comment and opinion and take part</p>	<p>The information will be available via the TCBC citizen space site to reduce paper use</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to be involved, provide comment and opinion about any impacts on the environment that they may perceive to be an issue</p>	<p>Wide consultation including appropriate organisations such as NRW</p>

<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>Ensuring sports pitches are retained , maintained and secured for future generations</p>	<p>Wide consultation including appropriate organisations such as NRW and clubs</p>
<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to be involved, provide comment and opinion</p>	<p>Information is accessible to all</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to be involved, provide comment and opinion</p>	<p>Wide consultation including appropriate organisations such as NRW, relevant consultees and clubs</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>Ensure all notices are bi-lingual</p>	<p>Ensure all notices are bi-lingual on media outlets</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>The disposal, by way of a lease, of the rugby pitch in Pontypool Park consultation will enable the public and stakeholders to be involved, provide comment and opinion which will provide the opportunity to highlight whether doing such a thing may make a positive contribution to global well-being.</p>	<p>The impact assessment reviewed potential impact on key strategies, plans and assessments</p>

Section 3) Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts.

Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age	N/A		
Disability	N/A		
Gender reassignment	N/A		
Marriage or civil partnership	N/A		
Pregnancy or maternity	N/A		
Race	N/A		
Religion or Belief	N/A		
Sex	N/A		

Section 4) Identify decision meetings for project/ activity e.g. Cabinet, Council or delegated decisions taken by Executive Members and / or Chief Officers.

Chief Officer under delegated powers

Officer Name and Job Title: <i>Andrew Osborne, Group Leader, Environment Strategy and Streetscene Operations</i>	Date: 8 January 2019
---	-----------------------------