



**COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG  
RECORD OF DELEGATED OFFICER DECISION**

**Penderfyniad Allweddol | Key Decision**



**PWNC | SUBJECT:**

RCT Together – Community Asset Transfer of the former Aberdare Park Paddling Pool site to Friends of Aberdare Park (Charitable Incorporated Organisation – CIO).

**DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:**

To approve the transfer of the former Aberdare Park Paddling Pool site to Friends of Aberdare Park by way of a 25 year lease.

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director Public Health, Protection and Communities Services as described below.

**PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:**

To approve the transfer of the former Aberdare Park Paddling Pool site to Friends of Aberdare Park (CIO) by way of a 25 year lease.

**Llofnod y Prif Swyddog**  
Chief Officer Signature

PAUL JEFFE

**Enw (priflythrennau)**  
Name (Print Name)

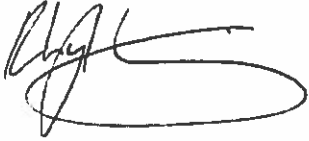
5<sup>th</sup> March 20

**Dyddiad**  
Date

**Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.**

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

**YMGYNGHORI | CONSULTATION**



5/3/2020

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**LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET  
CONSULTEE CABINET MEMBER SIGNATURE**

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**DYDDIAD | DATE**

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**LLOFNOD SWYDDOG YMGYNGHOROL  
CONSULTEE OFFICER SIGNATURE**

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**DYDDIAD | DATE**

**RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.**

**A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:**

**IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:**

YDY | YES      NAC YDY | NO

**Rheswm dros fod yn fater brys | Reason for Urgency:**

The group are at risk of losing a Welsh Government Community Facilities Grant of £25,000 which contributes to a total capital match-funding package of £300,483.879. If they cannot finalise the lease which funders require as a consideration to release the funding and spend the WG grant by 31st March 2020 they will lose this funding and jeopardise the whole matchfunding package.

The Council's Legal Property Team have instigated an "Open Space Notice" for a two week period which advertises the Council's intention to dispose of the land by way of a lease. This process concludes on 5th March 2020 which will take into consideration any objections to the proposal to lease the land to Friends of Aberdare Park.

Therefore due consideration for the public to make comments/call-in the proposal would have already been considered.

***Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:***

*If deemed urgent - signature of Presiding Member or Deputy Presiding Member or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:*

 05.03.20

.....  
(Llywydd | Presiding Member)

.....  
(Dyddiad | Date)

**DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.**

**NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.**

AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Councils Website:- 5<sup>th</sup> March 2020

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

**Nodwch:** Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

**Note:** This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In implementation date will be

N/A  
DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓

**Rhagor o wybodaeth | Further Information:**

<b>Cyfadran   Directorate:</b>	<b>Public Health, Protection &amp; Community Services</b>
<b>Enw'r Person Cyswllt   Contact Name:</b>	<b>Lowri John</b>
<b>Swydd   Designation:</b>	<b>Community Development Officer</b>
<b>Rhif Ffôn   Telephone Number:</b>	<b>01443 281188</b>

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**KEY DELEGATED DECISION**

**REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR OF PUBLIC HEALTH,  
PROTECTION AND COMMUNITY SERVICES**

**MARCH 2020**

**RCT TOGETHER – COMMUNITY ASSET TRANSFER OF THE FORMER ABERDARE PARK  
PADDLING POOL SITE TO FRIENDS OF ABERDARE PARK BY WAY OF A 25 YEAR LEASE**

**Author:** Lowri John, Community Development Officer – 01443 281188

**1. PURPOSE OF THE REPORT**

- 1.1 To approve the transfer of the former Aberdare Park Paddling Pool site to Friends of Aberdare Park by way of a 25 year lease.
- 1.2 In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended Officer decision of the Director of Public Health, Protection and Community Services.

**2. RECOMMENDATIONS**

It is recommended:

- 2.1 To endorse the transfer of the former Aberdare Park Paddling Pool site to Friends of Aberdare Park by way of a 25 year lease, subject to:
  - All capital funding required for the installation of the splashpad is formally secured in writing;
  - The completion of the Open Space notice period to satisfy the requirements of Section 123(A) of the Local Government Act 1972;
  - The requirements of Section 119 and 121 of the Charities Act 2011 have been addressed.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 It is recommended that the Director of Public Health, Protection and Community Services agrees to the 25 year lease with Friends of Aberdare Park in respect of them occupying the former Aberdare Park Paddling Pool site which has remained vacant since the Council's decision to close all Council owned/run paddling pools on 14th May 2014.
- 3.2 Approval will enable Friends of Aberdare Park to restore a section of Aberdare Park that currently sits empty, unused and dilapidated for the benefit of the wider community. The introduction of a splashpad area, 'Aquadare' will be the first of its

kind in the Local Authority area and will provide an opportunity for accessible water play activities for all.

- 3.3 The transfer will have no impact on NNDR (National Non Domestic Rates) expenditure for the Council/Group whilst there is no charge to use the facility. The Group will pay an annual service charge and will cover utilities, agreed maintenance and statutory compliance testing to common areas undertaken by the Landlord, (RCT Council). The charge will be itemised, reviewed annually and will reflect annual costs incurred by the Landlord, (RCT Council) including VAT payments.
- 3.4 Friends of Aberdare Park have currently levered in and secured £240,483.89 of grant funding and private donations. The group are currently awaiting the response on two applications totalling £60,000 and if secured, the total amount secured (excluding their personal funds) will total £300,483.89, the total capital amount required for the project.

#### **4. BACKGROUND**

- 4.1 The Council's RCT Together Approach for progressing Community Asset Transfers was agreed by Cabinet at its meeting on 30<sup>th</sup> October 2014. This approach will see the Council working with communities and partner agencies to sustain delivery of services that the Council may no longer be able to deliver on its own.
- 4.2 Applications are considered from non-profit distributing voluntary and community groups or companies for activities, services and facilities that benefit residents within Rhondda Cynon Taf.
- 4.3 At the Council meeting on 19<sup>th</sup> May 2016, it was agreed that applications for the asset transfer could now be dealt with under the Council's Delegated Decision framework. High Level Asset Transfers will need to be reported to Cabinet if Officers and the appropriate Cabinet Member feel that this is required.
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- 4.4 A review of RCT Together has recently been undertaken and approved by Cabinet at its meeting on 21<sup>st</sup> November 2018 to ensure any future Community Asset Transfers that are progressed, align with the Council's Community Hub development programme and can deliver the Council's strategic service requirements. Each Hub will support a neighbourhood network of preventative community services and activities that will support people living in our communities to improve their independence, resilience, health and well-being.

#### **5. OVERVIEW OF FRIENDS OF ABERDARE PARK PROPOSAL**

- 5.1 Friends of Aberdare Park have been registered with the Charities Commission as a Charitable Incorporated Organisation (CIO) since 12<sup>th</sup> September 2016. The Organisation's aim is to create and facilitate projects and activities that bring improvement to the Park and surrounding areas for the benefit of the local and wider community/communities.
- 5.2 The Organisation is governed by a Board of 5 Trustees with a mix of skills and experience. The wider Group's volunteers/members experience includes education,

legal, accountancy, business, administration, engineering, social care, coal industry, forestry, sport & leisure and local government.

- 5.3 The Organisation has been supported and endorsed by a range of public testimonials and letters of support from schools, local businesses & honorary members.
- 5.4 In addition to the proposed splashpad, the Group has been, and continues to be active throughout the Park area. Achievements for the Group to date include:
- Improving the memorial garden and rose garden area
  - Repairing and reinstating a memorial bench
  - Research on the grey and red squirrel
  - Introduction of Parkrun
  - History walks
  - Fun days

Activities/achievements noted contributed towards the Park gaining Green Flag status in July 2018. It is elements such as this that contribute towards the Park extending its tourism and leisure appeal and offer.

- 5.5 The proposal to transfer and convert the former dormant paddling pool will enable the Group to provide a vibrant, new and accessible water play experience in the Park. A variety of approximately 16 water appliances, both ground level and above ground play features are planned for the splashpad. The level rubber surface installed will allow for wheelchair users and less mobile individuals to access the splashpad due to the non-slip softened play area. It will also provide individuals with a wide range of physical and sensory experiences.
- 5.6 The proposed splashpad will utilise a recycled design. Crucially, this design uses less water than a single use system and is therefore more environmentally friendly.
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- 5.7 Over the past two years, the Group have worked hard to recruit new volunteers and establish a fundraising group (within Friends of Aberdare Park) who hold responsibility for events and activities relating to income generation. This has enabled the Group to increase their fundraising abilities and ensure community involvement in their projects. Commitment and perseverance to the splashpad project has seen the Group receive a high demand for the facility from the community. This is a driving force for the Group to ensure the project comes to fruition.
- 5.8 The Group have completed many other projects within the Park over the last year; a snapshot is provided below:
- Ongoing consultation with the community through various activities;;
  - Social media & website developments
  - Development of merchandise for sale to raise funds, cards, photos, keyrings & mugs
  - Continuation of duck food sales



- Bat walks
- Butterfly survey
- Bug spotting
- Tree planting with local schools
- St Fagan's – Victorian Christmas Tree
- Fencing painting
- History boards – in conjunction with local historical groups (Unveiled by Roy Noble OBE)
- Easter bonnet competition

5.9 One of the most significant activities for the Group in 2019 was the 150<sup>th</sup> year Victorian celebrations. The Park enjoyed a renewed and invigorated series of events to celebrate this momentous occasion.

5.10 Two major events were planned and delivered by the Group:

- Main event in the park
- 'The Good Ol' Days' event in the Coliseum

5.11 Crucially, all efforts received positive feedback and significantly raised awareness of the Group and their aims. More importantly, the events involved everyone throughout the valley and encouraged individuals to be a part of the wider Aberdare community.

## **6. REVIEW OF FRIENDS OF ABERDARE PARK BUSINESS PLAN**

6.1 At a meeting of the RCT Together Community Asset and Service Transfer Panel held on 3<sup>rd</sup> February 2020, an assessment of the Group's business plan was undertaken. The following is a summary of the panel's assessment and recommendations.

6.2 Friends of Aberdare Park are an established group who have been running for 3 years and have implemented and delivered quality projects/activities within the Park (noted above 5.4 & 5.7). The Group are reliant on volunteers and trustees, however 2019/2020 saw the Group's volunteer numbers go from strength to strength.

6.3 In addition to an updated business plan, an updated financial profile was requested and provided. The Group (as at the date of the CAST Panel) have levered in and secured £240,483.89 of grant funding and private donations. The Group are currently in the process of applying for and awaiting the response on two funding applications totalling £60,000 and if secured, the total amount secured (excluding their personal funds) will total £300,483.89. Grant providers who have confirmed a contribution to date include Pen y Cymoedd and Welsh Government (Communities Facilities Grant).

6.4 The biggest area of concern from the panel was the Group's ability to continue to raise funds to cover all running and maintenance costs for the lifespan of the splashpad. The panel members were satisfied that the Group's fundraising activities during 2018/19 and 2019/20 and their proposed ongoing fundraising activities

suggested they would be able to cover these running costs. These fundraising activities also support the continued ethos of community engagement and development on the Park site.

- 6.5 As the Park is held in Charitable Trust and is an area of Open Space, in addition to the standard processes and procedures required for the asset transfer process, on this occasion, an Open Space Notice Independent Valuation report and a Section 121 Notice was required. The Open Space Notice will be advertised for two consecutive weeks in the Press. A second Notice, under Section 121 of the Charities Act has been published in the Cynon Valley Leader and has also been displayed at the Park. The objection period for both Notices ends on 28th February 2020. Any objections received will be given careful consideration. Lease arrangements can only be progressed once the processes have completed.
- 6.6 As the demised area falls within a Council site (the Park) and the nature of the activity requires advanced technical oversight, the Group will have responsibility for the maintenance and repair of the demised area but all statutory compliance needs will be actioned by the Council's Corporate Maintenance Team with a recharge back to the Group. This will be reviewed on an annual basis.

## **7. EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment is not required for this decision as the paddling pool was closed by the Leisure & Parks section as per the decision of Cabinet at its meeting of 14<sup>th</sup> May 2014.
- 7.2 This leasehold transfer will enable Friends of Aberdare Park to provide an inclusive water play activity that is accessible for all and will have an anticipated extended opening period between April and September each year.

## **8. CONSULTATION**

- 8.1 The Group have consulted widely and frequently with the local community over the past three years, ensuring that feedback has been received, noted and used to promote the proposed development. Schools and businesses have been engaged with alike and more notably and recently, the Group now has two patron members, Vikki Howells AM and Roy Noble OBE.
- 8.2 The increased number of activities that the Group have delivered have been the platform for consultation and subsequently enabled the Group to substantially increase their fundraising efforts over the past year.

## **9. FINANCIAL IMPLICATION(S)**

- 9.1 The Group will be responsible for covering all operating and maintenance costs for the lifespan of the splashpad.
- 9.2 The Group are currently awaiting the outcome of two grant applications before they can confirm if their final capital requirements have been secured.

- 9.3 The Panel acknowledge that the Group will always have reliance on fundraising and grant funding and this should be an ongoing focus for the Group. Confirmation of securing the above funding would enable the Group to demonstrate a fully funded capital package for the splashpad and subsequently any private donations, funding secured or income generated could be used to fund other capital/revenue costs.

**10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 10.1 The Council's power to dispose of land is contained in Section 123 of the Local Government Act 1972.
- 10.2 The land comprises open space. The Council's intention to dispose of the land by way of lease must be advertised in the local Press for two consecutive weeks. Any objections received must be given consideration to satisfy the requirements of Section 123 (A) of the Local Government Act 1972. The period during which objections can be received ends on 28th February 2020.
- 10.3 The land is held in charitable trust and the requirements of Section 119 and Section 121 of the Charities Act 2011 apply.

**11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT**

- 11.1 The proposed leasehold transfer to Friends of Aberdare Park will support the Council's Corporate Plan, "The Way Ahead" (2016-2020), priorities of "promoting independence and positive lives for everyone" and "creating neighbourhoods where people are proud to live and work".
- 11.2 Along with 44 public bodies across Wales, the Council is subject to the statutory requirements of the Well-being of Future Generations (Wales) Act 2015, which sets a common vision for the long-term well-being of people and communities through seven national well-being goals and provides a framework for public services to work differently through five sustainable development principles. The principles include thinking about the long-term impact of our actions, seeking to prevent issues from occurring in the first place or from worsening, involving people and communities in decisions made that affect them, working together with other organisations and integrating our work to understand the knock-on effects of what we do.
- 11.3 The Council is approaching this principle in different ways and has launched RCT Together as a means of engaging and involving residents in how services are best sustained in communities:

*"The Council's vision is to develop a new relationship with residents that enable them to be independent and resilient and to take on greater responsibility for their local communities. This is not about the Council shifting its responsibility – it is about recognising that residents want to be more involved in what happens in their community".*

11.4 The 'RCT Together' approach, now aligning with the Council's developing Community Hub and Neighbourhood Network approach will further strengthen the involvement of local residents and community groups in determining the best use of its assets to enable the community to strengthen its resilience and wellbeing.

## 12. CONCLUSION

12.1 The leasehold transfer will enable the Group to bring the currently dormant paddling pool site back into use as an accessible water play activity for all with an extended operating period each year.

12.2 The Group are currently awaiting the outcome of two funding applications.

12.3 The CAST panel acknowledged the social value of the activities the Group deliver and the merit of the proposed splashpad proposal. The greatest areas of concern/risks for the panel were:

- The time pressure of one of the grants requiring spend by 31<sup>st</sup> March 2020
- The financial sustainability of the Group in their ability to cover all running and maintenance costs for the lifespan of the splashpad. The panel did however acknowledge the efforts of the Group in their increased fundraising efforts during 2019/20 and were satisfied with their proposed annual fundraising and events schedule that also supports further community engagement and development opportunities and outcomes
- The technical knowledge and experience of the Group in managing a splashpad. The splashpad, if approved, would be the first of its kind in the County Borough and therefore the Panel was satisfied that with adequate supervision, training and support from internal leisure, parks and corporate maintenance colleagues, the implementation and ongoing upkeep associated with the splashpad would meet the relevant Health & Safety and statutory compliance standards.

12.4 Taking into consideration the benefits of the activities the Group provide and being satisfied with their mitigating factors associated with their financial sustainability and technical expertise in managing a splashpad, the recommendation of the panel would be to support the proposed leasehold transfer subject to:

- Confirmation of a complete capital funding package being secured
- The open space notice period completing with no objections

Other Information:-

*Relevant Scrutiny Committee*

- Public Service Delivery, Communities and Prosperity Scrutiny Committee