



## **SPECIAL ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 16TH OCTOBER 2019**

**SUBJECT: PONTLLANFRAITH LEISURE CENTRE**

**REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To consider the proposal to close Pontllanfraith Leisure Centre prior to presentation to Cabinet for a decision.

### **2. SUMMARY**

- 2.1 On 28<sup>th</sup> March 2018 Cabinet agreed to defer the decision to close Pontllanfraith Leisure Centre taken on 13<sup>th</sup> December 2017 and consider the future of Pontllanfraith Leisure Centre later in 2018 once the 10 year Sport and Active Recreation Strategy for the Authority had been adopted.
- 2.2 On 14<sup>th</sup> November 2018 Cabinet approved the Authority's Sport and Active Recreation Strategy 2019 to 2029 after the adoption of the Strategy had been recommended by the Regeneration & Environment Scrutiny Committee.
- 2.3 On 10<sup>th</sup> April 2019 Cabinet resolved to close Pontllanfraith Leisure Centre and on 24<sup>th</sup> June 2019 the High Court quashed that decision. There were 5 grounds of the Judicial Review and the Court dismissed 4, but did rule that there was insufficient evidence that Cabinet had properly discharged its duty under Section 149 of the Equality Act 2010.
- 2.4 A new Equality Impact Assessment has been completed, attached at Appendix 5, and further consideration has been given to the duty under Section 149 of the Equality Act 2010. Scrutiny Committee is asked to consider the proposal to close Pontllanfraith Leisure Centre prior to presentation to Cabinet for a decision.

### **3. RECOMMENDATIONS**

- 3.1 That Scrutiny Committee consider the content of the report and the recommendation to close Pontllanfraith Leisure Centre.

#### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 So that Cabinet can take into account the views of the Scrutiny Committee when considering the recommendation to close Pontllanfraith Leisure Centre
- 4.2 The proposed closure of Pontllanfraith Leisure Centre is consistent with the Council's Sport and Active Recreation Strategy 2019-29. Pontllanfraith Leisure Centre is not one of the strategic sites identified in the Strategy for future investment. There are significant financial benefits resulting from the closure of the leisure centre. In addition to the annual running costs there are substantial repair and replacement liabilities to be addressed, and there is the opportunity for a capital receipt. The release of the Pontllanfraith Leisure Centre site can make a valuable contribution to the supply of homes and affordable homes within the county borough.
- 4.3 An Equality Impact Assessment has been undertaken and has identified that the proposed closure will have a negative impact upon people with disabilities and older people with mobility issues where this results in longer travel times to alternative facilities depending on point of origin and the extent to which they currently use Pontllanfraith Leisure Centre. However, all of the four strategic facilities are fully accessible, have ample disabled parking, and have been selected as they are accessible by public transport. Closure of this leisure centre will allow remaining resources to be focussed on enhancing the quality of the customer offer at our strategic sites. Whilst adverse impacts cannot be fully mitigated for some, this is outweighed by the overall benefits of the proposal. It supports the longer term aim of sustaining discretionary sport and leisure services to promote and increase participation in sport and active recreation for all and therefore has an overall positive impact.

#### **5. THE REPORT**

- 5.1 On 28th March 2018 Cabinet agreed to defer the decision to close Pontllanfraith Leisure Centre taken on 13th December 2017 and consider the future of Pontllanfraith Leisure Centre once the 10 year Sport and Active Recreation Strategy for the Authority had been adopted. On 14<sup>th</sup> November 2018 Cabinet approved the adoption of Authority's Sport and Active Recreation Strategy 2019 to 2029.
- 5.2 On 10th April 2019 Cabinet resolved to close Pontllanfraith Leisure Centre and on 24th June 2019 the High Court quashed that decision. There were 5 grounds to the judicial review:
1. The Strategy Decision was not within the authority of Council's Cabinet to take.
  2. The Strategy Decision was unlawful because it was taken without information as to the cost of implementing the Sports Strategy.
  3. The Strategy Decision was unlawful by reason of failures to comply with obligations under the Local Government (Wales) Measure 2009.
  4. The Public Sector Equality Duty.
  5. The Closure Decision was unlawful because the Council failed to consider the option of a community asset transfer of the leisure centre.

The Court upheld the Council's position on four of the grounds, but in relation to Ground 4 ruled that there was insufficient evidence that Cabinet had properly discharged its duty under Section 149 of the Equality Act 2010 which states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to —
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The principle of 'due regard' has been well established in case law. The important elements are that:

Decision makers should be aware of the implications of the public sector equality duty when making decisions.

Due regard must be a conscious part of the decision.

Analysis of facts must be rigorous and undertaken with an open mind- with substantial attention to relevant facts and research and attention paid to conflicting views.

Consultation must take place in a meaningful way with interested parties.

And, that the public sector equality duty is an ongoing one.

- 5.3 To allow a proper consideration of relevant facts a new Equality Impact Assessment has been completed which is attached at Appendix 5. The closure of Pontllanfraith Leisure Centre will have a negative impact upon older people who may have limited mobility and upon people with disabilities. This is because it will result in longer travel times and distances to alternative facilities depending on point of origin and the extent to which they currently use Pontllanfraith Leisure Centre. There will also be a negative impact on younger people who do not drive, or have no access to travel by private vehicle. It must be noted that a decision is capable of being justified and lawful where there is a detrimental consequence for those with protected characteristics that cannot be entirely mitigated.
- 5.4 Of Smartcard users who visited Pontllanfraith Leisure Centre in 2018/19 3% are aged over 64 and 0.6% are registered disabled. This compares with 19.3% aged over 64 and 25.8% of 16 to 64 year olds who identified as Equality Act core disabled in the Office of National Statistics' Annual Population Survey 2018.
- 5.5 The negative impacts identified in the Equality Impact Assessment are mitigated by the fact that all of the four strategic facilities are fully accessible, have ample disabled parking, and have been selected, among other reasons, because they are on public transport routes. The nearest strategic leisure centre to Pontllanfraith is Newbridge Leisure Centre. There is a direct bus from Blackwood Interchange to Newbridge that takes 13 minutes. A bus stop is located within the vicinity of Newbridge Leisure Centre or alternatively there is access to the site via a fully accessible footbridge from the park and ride railway station in the town centre that is adjacent to a bus stop.
- 5.6 Closure of Pontllanfraith Leisure Centre will allow remaining resources to be focussed on enhancing the quality and customer offer at four strategic sites. It supports the longer term aim of sustaining discretionary sport and leisure services to promote and increase participation in sport and active recreation. Consequently positive impacts are also identified in the Equality Impact Assessment in that improved, new, or refurbished facilities will be more attractive and accessible to families, people with additional needs, and people that need the support of carers.

Ongoing investment will ensure that our leisure facilities are maintained and that equipment is replaced, making them more attractive to all users and improving equality of access. Facilities with modern equipment will be particularly attractive to new users and should encourage participation in sport by young people and older people. Whilst adverse impacts cannot be fully mitigated for some, this is outweighed by the overall benefits of the proposal.

- 5.7 On 14th November 2018 Cabinet approved the Authority's Sport and Active Recreation Strategy 2019 to 2029 after the adoption of the Strategy had been recommended by the Regeneration & Environment Scrutiny Committee. The Strategy 2019-29 is designed to help deliver the goals of the Well-being of Future Generations (Wales) Act 2015 and is directly linked to the Council's Wellbeing Objectives, its strategic priorities, as set out in the Corporate Plan (2018-2023). The main Wellbeing Objectives in the Corporate Plan that sport and active recreation contributes to are set out in section 7.2 below.
- 5.8 The Strategy sets out the future purpose and direction for the provision of sport and active recreation in Caerphilly County Borough - it establishes the key principles and vision which will inform future decisions and actions over the next 10 years. The Strategy recognises the multiple challenges of poor levels of health, particularly in certain areas of the County; reducing budgets; the large number of facilities across the County and the deteriorating quality of our older buildings; set against an increasing population and consumer demand.
- 5.9 Over the 10 year life of the Strategy the Council intends to invest in 4 high class strategic multi-functional facilities, meaning that some other sites may close or be managed by others. The Strategy adopts the Welsh Government and Sport Wales 'Facilities for Future Generations' blueprint for Sport and Active Recreation together with a decision making matrix for determining the provision of strategic leisure facilities that are directly managed by the Sport and Leisure Service.
- 5.10 The criteria for strategic facilities, as set out in the Council's Strategy, includes a range of facilities and services for sport and active recreation with "wet-side" (e.g. swimming pool, sauna, spa, etc.) and "dry-side" (e.g. sports hall, fitness suite, dance, studio, etc.) activities, they are shared with a day time user (standalone only in major population centres and/or are attractions of regional or national significance). Strategic facilities also have over 250,000 visitors per annum, appropriate access, and the aim of reducing the subsidy per user to less than £1 to £1.20. The adopted Strategy states that this cannot be achieved without rationalisation and modernisation. Pontllanfraith Leisure Centre is not one of the Council's 4 strategic sites and from 1<sup>st</sup> April 2018 to 1st March 2019 had a recorded usage of 70,841 with a subsidy per visit of £2.11.
- 5.11 The case for change is driven primarily by the ongoing effects of austerity and the annual savings requirement across Council services. With the ever downward pressure on revenue budgets the Council is bound to look towards discretionary services such a sport and leisure for savings ahead of statutory services; where a service does not contribute towards the savings requirement this results in a greater savings burden on other Council services.
- 5.12 The 2019/20 budget for running Pontllanfraith Leisure Centre and 3G pitch is £124,389. It has become more expensive to run following closure of the adjacent secondary school in 2016 with the ending of a joint user virement of circa £26,000 from Education (as a result of the Leisure Centre previously being classed as a joint use centre located on a school site) following closure of the school. Also a new rating

valuation following the school closure resulted in an increase in non-domestic rates of £17,000.

- 5.13 Pontllanfraith Leisure Centre opened in 1975 and there is a maintenance backlog estimated at £150,000, based on a condition survey undertaken in 2012. The 3G pitch at Pontllanfraith is expected to need replacement in the next 2-3 years with replacement costs of between £200,000 and £300,000. Should the Leisure Centre remain open, there is an initial cost requirement of circa £112,000 to transfer shared services such as utilities, telephone and I.T. lines from the school site.
- 5.14 An Equality Impact Assessment has been undertaken and has identified that the proposed closure will have some impacts, both positive and negative. All of the four strategic facilities are fully accessible, have ample disabled parking, and have been selected as they are accessible by public transport. Closure of Pontllanfraith Leisure Centre will allow remaining resources to be focussed on enhancing the quality of the customer offer at our strategic sites. It supports the longer term aim of sustaining discretionary sport and leisure services to promote and increase participation in sport and active recreation for all and therefore has an overall positive impact taking the whole of the county borough into account.
- 5.15 Closure of this leisure centre clearly results in changes to local sport and leisure facility provision. An analysis has been undertaken of sport and leisure facility provision in the locality. The new Islwyn High School is 3 miles away and opened in June 2017 to replace the existing Pontllanfraith and Oakdale Comprehensive Schools and includes a four court sports hall, dual use 3G football and rugby pitch and multi-purpose activity space. The Caerphilly Sports and Active Recreation Strategy states that careful consideration will be given to opportunities for alternative provision before any facilities are withdrawn. Islwyn High School have provided written confirmation of their commitment to making the school's facilities available for use by the wider community. Islwyn High School's facilities are available for hire outside of school hours by clubs and organisations currently using Pontllanfraith Leisure Centre.
- 5.16 Additionally, a new dual use 3G pitch has been installed at Blackwood Comprehensive School which is supported by a signed Community Use Agreement between the Council and Blackwood Comprehensive School guaranteeing community use. The installation of these two new 3G pitches represents an enhancement of provision over and above the single, football only, 3G pitch provision at Pontllanfraith Leisure Centre on two counts – the new pitches are capable of being used for both football and rugby (with resultant FAW and IRB approval) and there are now two 3G pitches in the Blackwood / Pontllanfraith area rather than one.
- 5.17 In the Sport and Leisure industry, it is accepted that customers are generally prepared to travel a distance of 5 miles or 20 minutes to facilities. In this regard when the user analysis for Pontllanfraith is examined it reveals that over 50% of users are outside the NP12 postcode area (NP12 stretches from the Argoed Ward in the North to the Pontllanfraith Ward in the South and the Pengam Ward in the West to the Penmaen Ward in the East).
- 5.18 The Council's 4 strategic leisure facilities are all accessible via public transport; although only 4% of respondents to the consultation on the Sport and Active Recreation Strategy indicated that they used public transport to travel to the place where they take part in sport and active recreation. The Council will work with public transport providers as necessary, but the majority of respondents to the Strategy indicated that they travel by private car. If the distance of other facilities from

Pontllanfraith Leisure Centre is examined the following can be seen:-

<b>Facility</b>	<b>Distance from Pontllanfraith Leisure Centre</b>	<b>Travel Time by Car from Pontllanfraith Leisure Centre</b>
Newbridge Leisure Centre	3.3 miles	9 minutes
Cefn Fforest Leisure Centre	2.0 miles	8 minutes
Sue Noake Leisure Centre, Ystrad Mynach	3.1 miles	9 minutes
Heolddu Leisure Centre	5 miles	14 minutes
Islwyn High School	3.1 miles	7 minutes
Blackwood Comprehensive School	2.3 miles	8 minutes
Caerphilly Leisure Centre	7.5 miles	16 minutes
Markham Community Leisure Centre	4.2 miles	10 minutes
Ysgol Gyfun Cwm Rhywni, Fleur de Lys	2.2 miles	5 minutes
Lewis School, Pengam	3.1 miles	9 minutes

- 5.19 The Sport & Active Recreation Strategy also identified that there is a mixed economy of provision and opportunities for residents to engage in a wide range of physical activity provided by the ever increasing commercial and not for profit sector. A number of these are facilities based and located within close proximity to Pontllanfraith Leisure Centre as identified below:

<b>Facility</b>	<b>Distance from Pontllanfraith Leisure Centre</b>	<b>Travel Time by Car from Pontllanfraith Leisure Centre</b>
Bryn Meadows Golf & Country Club, Maescwmmmer	2.6 miles	8 minutes
Snap Fitness, Blackwood	1.0 mile	4 minutes
Blackwood Miners Institute, Blackwood	1.0 mile	4 minutes
Fleur de Lys Institute, Fleur de Lys	2.1 miles	6 minutes
Fleur de Lys Community Centre, Fleur de Lys	2.1 miles	6 minutes
Diva Fitness, Pengam	2.1 miles	6 minutes
Planet Fitness, Aberbargoed	3.4 miles	9 minutes
Elite Fitness, Pontllanfraith	1.2 miles	3 minutes

- 5.20 Additionally, there are a number of other halls and spaces across the local community available for hire including Penllwyn Millennium Centre, the Oasis Centre, Pontllanfraith Rugby Club, and Cefn Fforest Community Centre, for example.
- 5.21 Clearly, there is significant provision of facilities within a short journey of Pontllanfraith Leisure Centre. Alternative facilities have car parking, including disabled car parking, available. In the consultation some comments were received regarding the difficulty of parking at Newbridge Leisure Centre and officers are

continuing to work to improve this provision. A number of consultation respondents indicated that they are not able or willing to travel to alternative facilities and stated that leisure centres should be within walking distance. Most residents within the county borough do not live within walking distance of a council managed leisure centre, although all are able to walk to access other opportunities in our parks and countryside.

- 5.22 Whilst the capital receipt for the sale of the school, leisure centre and 3G (3rd generation) pitch area is dependent on a number of variables, initial estimates suggest that it could realise a capital receipt of circa £2.2 to 2.9m. If the Leisure Centre and 3G pitch remain this is likely to reduce to circa £1.8 to £2.3m. Additionally, retention of the leisure centre imposes a constraint on the development of the northern part of the school site. This will impact upon the valuation of the northern part of the school site which, without the leisure centre constraint, accounts for approximately 50% of the total estimated receipt of £2.2 to £2.9 million.
- 5.23 If a decision is taken to close the Pontllanfraith Leisure Centre, and thereafter demolish the premises, the Council will be in a position to market the site for an alternative use. There is an opportunity to develop the site in collaboration with a Registered Social Landlord to support the Council's commitment to the delivery of high quality affordable homes. The delivery model could include equal proportions of social rented, shared ownership and market sale dwellings and there is potential for the social housing element to be delivered as council housing. The benefits of this approach include giving the Authority more influence on the development, delivering a development which is more in tune with the needs of the local community and ensuring the homes would be designed to the Welsh Government Design Quality standard.
- 5.24 The release of the site for housing use would help the Authority to increase the housing land supply in the county borough in the short to medium term. The Local Development Plan (LDP) sets out a housing requirement to deliver 8,625 units in the 15 year plan period 2006 to 2021. As of the 1st April 2019, 4,835 units had been built and it is clear that the housing requirement figure of 8,625 units will not be achieved by 2021.
- 5.25 The delivery of new affordable homes within the county borough similarly is behind target. Policy SP15 of the LDP identifies an affordable housing target of 964 units over the lifetime of the LDP, 2006 -2021. As of 2019 only 251 affordable units have been built, or less than a third of the target. The release of the Pontllanfraith Leisure Centre site could therefore make a valuable contribution to the supply of homes and affordable homes in the medium term. The exact detail of the future development of the site would be subject to a further Cabinet report and planning permission.
- 5.26 **Conclusion**  
Pontllanfraith Leisure Centre is not one of the strategic sites identified in the Council's Sport and Active Recreation Strategy for future investment. There are significant financial benefits resulting from the closure of the leisure centre which has become considerably more expensive to operate following closure of the adjacent secondary school. In addition to the annual running costs there are substantial repair and replacement liabilities to be addressed, and the opportunity for a capital receipt.
- 5.27 An equalities impact assessment has been completed and some impacts, both positive and negative, have been identified for younger and older people and people with disabilities. Whilst adverse impacts cannot be fully mitigated for some, this is outweighed by the overall benefits of the proposal. The closure of Pontllanfraith

Leisure Centre will allow remaining resources to be focussed on fewer, but better facilities. Improved, new, or refurbished facilities will be more attractive and accessible. Ongoing investment will ensure that our leisure facilities are maintained and that equipment is replaced, making them more attractive to all users and improving access equally.

- 5.28 To keep the leisure centre open would undermine the vision for provision of sport and active recreation set out in the Caerphilly Sport and Active Recreation Strategy 2019-29. Adequate alternative provision is available and it is therefore recommended that Pontllanfraith Leisure Centre closes and that officers are authorised to transfer bookings to alternative facilities in the event that Cabinet agrees the closure.

## **6. ASSUMPTIONS**

- 6.1 Assumptions have been addressed throughout this report, and financial assumptions are outlined in section 10 below. The estimate of the potential capital receipt from sale of the site is based on the current understanding of land values, but there are a number of variables and clearly these can change. Notably, the nature of the conclusion of the Brexit process is likely to impact upon the UK economy including land values. The maintenance backlog for the Leisure Centre is an estimate of £150,000 and is based on a condition survey undertaken in 2012. Demolition costs of £225,000 are stated, but these can be difficult to predict and assumes that there are no significant, currently unknown costs.

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 The Caerphilly Sport and Active Recreation Strategy 2019-29 sets out a future purpose and direction for the provision of sport and active recreation in Caerphilly County Borough. It establishes the key principles and vision which will inform future decisions and actions. The Strategy adopts the Welsh Government and Sport Wales 'Facilities for Future Generations' blueprint for Sport and Active Recreation together with a decision making matrix for determining the provision of strategic leisure facilities that are directly managed by the Sport and Leisure Service. Over the 10 year life of the Strategy the Council intends to invest in 4 high class strategic multi-functional facilities, meaning that some other sites may close or be managed by others. Pontllanfraith Leisure Centre is not one of the Council's 4 strategic sites and the proposed closure is entirely consistent with the adopted Strategy.

### **7.2 Corporate Plan 2018-2023.**

The Caerphilly Sport and Active Recreation Strategy 2019-29 is directly linked to the Council's Wellbeing Objectives, its strategic priorities, as set out in the Corporate Plan (2018-2023). The main Wellbeing Objectives in the Corporate Plan that sport and active recreation contributes to are:

- Objective 1: Improving education opportunities for all and improving the learning environment;
- Objective 5: Creating a County Borough that supports a healthy lifestyle and reduces inequalities in health across the County Borough in accordance with the Sustainable Development Principle within the Well-being of Future Generations (Wales) Act 2015;

- Objective 6: Supporting citizens to remain independent and improve their wellbeing - helping keep older people involved and active in their local communities.

### 7.3 Strategic Equality Plan

The Caerphilly Sport and Active Recreation Strategy 2019-29 supports the Council's Strategic Equality Plan and in particular the following Equality Objectives:

- Equality Objective 3 – Improving Physical Access
- Equality Objective 5 - Inclusive Engagement and Participation

## 8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Council's adopted Sport and Active Recreation Strategy 2019-29 is designed to help deliver the goals of the Well-being of Future Generations (Wales) Act 2015. The Strategy sets out the future purpose and direction for the provision of sport and active recreation in Caerphilly County Borough - it establishes the key principles and vision which will inform future decisions and actions over the next 10 years. The Strategy includes the following in relation to implementing the Act:

- We will need to be bold - not holding on to what we have done in the past, but looking forward to ensure that the decisions we make and opportunities we provide are fit for future generations - responding to the emerging needs of our young people, the adults of tomorrow, and of course looking after the different needs of a growing older population.
- We must also make sure what we provide is going to be sustainable i.e. we can afford to maintain service provision into the future.
- Future approaches will demand that people take greater responsibility for their own health and levels of physical activity. It is the role of the Council to support them to do this for themselves.
- To deliver a 'change agenda' the Council will also have to make a number of critical decisions. It is vital therefore, that this strategy provides a clear rationale and priorities for action. It must provide a vision for where we are going and how we are going to get there, so that everyone understands what we can achieve, what to expect of us, as well as the roles that others have to play.
- Finally, the strategy is not focused just on buildings but the activity that can take place in a wide variety of different places found throughout our County Borough and as a result of many different opportunities provided by a range of organisations.

8.2 The Act sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. In using the sustainable development principle it is incumbent that the authority considers the whole of the population it serves and considers the effect of its actions on future generations. The principle, also known as the five ways of working is assessed below:

LONG TERM- The leisure estate across the whole of the authority is not sustainable in the long term due to cuts in the revenue available to the local authority and the age of much of the estate. The Council's Sport and Active Recreation Strategy establishes the key principles and vision which will inform future decisions and

actions over the next 10 years. Securing the provision of sport and leisure services now and in the future requires that difficult decisions have to be made that balance short term considerations against long term sustainability. The financial climate means that it is not possible to continue subsidising all sites and so decisions must be taken now to secure a sustainable sports and leisure service for future generations.

**INVOLVEMENT-** An extensive consultation has taken place with the community, leisure centre users and clubs, democratic representatives, young people and Welsh Government Commissioners. Views have been represented to Scrutiny Committee and Cabinet. Inevitably residents will wish to see as many local authority services as close to their homes as possible, and this view would be held by all communities within the county borough. In considering the closure of Pontllanfraith Leisure Centre we have sought to mitigate the concerns by accessing funding for a new Football Association of Wales and International Rugby Board approved 3<sup>rd</sup> Generation pitch at Blackwood Comprehensive and ensuring that a programme of activity runs, and bookings can be taken to use the facilities, at Islwyn High School. The other leisure centres and sites in the area have capacity to accommodate the current users of Pontllanfraith Leisure Centre.

**PREVENTION-** The promotion of well-being now prevents need in the future and reduces demand on public services. In planning the proposed closure we have sought to maintain sports and leisure services accessibility for the community as far as is practicable. The Council will continue to support people to take responsibility for their own health and levels of physical activity.

**COLLABORATION-** We have collaborated with the Blackwood Comprehensive School and Islwyn High School and their governing bodies to ensure access to the facilities that they can provide. Written confirmation in relation to this collaborative approach is in place. We continue to work with a full range of partners.

**INTEGRATION-** We have considered how the proposed closure of Pontllanfraith Leisure Centre may impact on the well-being goals and in so doing have been mindful of the requirement to provide a sports and leisure offer that is still accessible at other sites. As highlighted in the Sport and Active Recreation Strategy it is also recognised that activity that can take place in a wide variety of different places found throughout our County Borough and as a result of many different opportunities provided by a range of organisations.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 An equalities impact assessment has been completed and is attached as Appendix 5 to this report. As can be seen some impacts, both positive and negative, have been identified for younger and older people and people with protected characteristics in that there will be a greater impact upon people with disabilities where this results in longer travel times to alternative facilities depending on point of origin and the extent to which they currently use Pontllanfraith Leisure Centre. However, all of the four strategic facilities are fully accessible, have ample disabled parking, and have been selected as they are accessible by public transport. In addition, as detailed in the report above, there is an extensive range of alternative provision within a short distance. Additionally, the closure of Pontllanfraith Leisure Centre will allow remaining resources to be focussed on the Council's 4 strategic leisure facilities all of which are accessible by public transport and have disabled parking provision.

- 9.2 The potential for investment in four strategic leisure facilities is considered as having a positive impact in that, whereas Pontllanfraith Leisure Centre is over 40 years old, improved, new, or refurbished facilities will be more attractive and accessible to all users. Ongoing investment will ensure that our leisure facilities are maintained and that equipment is replaced, making them more attractive and improving access equally. Modern facilities may be particularly attractive to young people, families, and people with carers.
- 9.3 Of Smartcard users who visited Pontllanfraith Leisure Centre in 2018/19 3% are aged over 64, and 0.6% are registered disabled. This compares with 19.3% aged over 64 and 25.8% of 16 to 64 year olds who identified as Equality Act core disabled in the Office of National Statistics' Annual Population Survey 2018.

## 10. FINANCIAL IMPLICATIONS

- 10.1 The 2019/20 budget for running Pontllanfraith Leisure Centre and 3G pitch is £124,389. There was a marked increase in the budget costs in 2018/19 as a result of an ending of a joint user virement of circa £26,000 from Education (as a result of the Leisure Centre previously being classed as a joint use centre located on a school site) following closure of the school. Also, the Leisure Centre was previously classed as a "joint use centre" situated on a school site and as such attracted significant non-domestic rate relief. The new rating valuation following the school closure results in an increase in non-domestic rates of £17,000, from £20,000 to £37,000 per annum. Additionally, there are costs associated with standing charges for utilities and for security of the vacated schools premises. These are currently estimated to be £12,000 per annum.
- 10.2 Should the Leisure Centre remain open, there is an initial cost requirement of circa £112,000 to transfer shared services such as utilities, telephone and I.T. lines:

<b>Pontllanfraith L.C.:</b> <b>Estimated cost of proposed new supplies</b>	<b>£</b>
Gas	53,642
Electric	22,758
Water	17,213
BT [Data only]	18,000
BT Voice assume N / a	0
<b>Total: £ [excl. VAT]</b>	<b>111,613</b>

There will be a further requirement for ongoing maintenance liabilities to be supported and the maintenance backlog for the Leisure Centre is estimated at least £150,000.

- 10.3 While the capital receipt for the sale of the school, leisure centre and 3G pitch area is dependent on a number of variables, initial estimates suggest that it could realise capital receipt of circa £2.2 to 2.9m. If the Leisure Centre and 3G pitch remains this is likely to reduce to circa £1.8 to £2.3m. However, as stated in paragraph 5.4 above retention of the leisure centre site places a constraint on the development of the northern part of the school site, which may reduce its value. The estimated capital receipts of the three areas of the site without this constraint are shown below:

<b>Area</b>	<b>Estimated Capital Receipt</b>
Leisure Centre & 3G pitch	£416,000 to £541,000
School playing fields – northern area	£1,040,000 to £1,352,000
School – southern area	£741,000 to 963,000
<b>Total</b>	<b>£2,197,000 to £2,856,000</b>

- 10.4 The financial implications associated with closing/demolishing the Leisure Centre are outlined below with appropriate narrative, and are summarised in the table at paragraph 7.9. Caerphilly Adventure Services relocated to Cwmcarn Fforest Drive in November 2018 at a cost of £100,958.
- 10.5 The Council has jointly funded with Welsh Government works to construct a new 3G pitch at Blackwood Comprehensive School. If the 3G facility remains at Pontllanfraith then it is possible that the “carpet” would need replacing within the next 2-4 years, in the period 2020 – 2022, at a cost of between £200,000 and £300,000.
- 10.6 There is a one-off cost for demolition of the Leisure Centre complex which is estimated at £225,000.
- 10.7 There are also some voluntary severance costs associated with the closure. These are covered in the Personnel Implications section below and total circa £11,250.
- 10.8 A summary of the costs of closure/demolition and resultant savings/avoided costs is included in the table below:

<b>One-Off Cost of Closure/Demolition (£)</b>		<b>One-Off Receipt/Avoided Costs (£)</b>		<b>Annual Revenue Saving (£)</b>	
Demolition	225,000	Services Diversion Costs Avoidance	112,000	Annual Running Cost Saving	£124,389
Potential HR Costs (Voluntary Severance, etc.).	11,250	Maintenance Backlog Cost Avoidance	150,000		
		Replacement of existing 3G “Carpet” in 2020 – 2022	200,000		
		Capital Receipt	416,000 to 540,800		
<b>Total £236,250</b>		<b>Total £878,000 to £1,002,800</b>		<b>Total £124,389</b>	

## 11. PERSONNEL IMPLICATIONS

- 11.1 Should the leisure centre close, 2 staff have expressed an interest in retiring voluntarily supported by Voluntary Severance payments. There are no pension implications associated with these 2 staff and the voluntary severance/Rhymney Valley District Council loyalty bonus estimates are approximately £11,250. The remainder of the staff currently working at Pontllanfraith Leisure Centre can be accommodated within the Sport & Leisure Service as a result of non-filling of posts elsewhere.

## 12. CONSULTATIONS

- 12.1 Effective and meaningful consultation is an important element of the 'due regard' principles in the public sector equality duty. The Council engaged in a detailed consultation in respect of the Sport and Active Recreation Strategy 2019-29 with the local community and interested groups over a ten week period between 16<sup>th</sup> July 2018 and 21<sup>st</sup> September 2018. The Sport and Active Recreation Strategy document itself, and consultation process as a whole, was designed to ensure that residents and interested groups not only understood the reasons for the Strategy, but that they also understood the potential implications of the Strategy; particularly regarding the potential closure of facilities. This detailed and wide ranging consultation ensured that residents and interested groups were able to respond and make representations in respect of these implications and for these to be considered by Cabinet before making a decision on whether or not to adopt the Strategy. The Council has obtained legal advice confirming the consultation in respect of the Sport and Active Recreation Strategy is detailed and robust, and that further consultation on the closure of individual facilities in accordance with the Strategy is not required.
- 12.2 Public consultation in relation to the proposal to close Pontllanfraith Leisure Centre had previously taken place between 9th October and 24th November 2017 prior to the decision of Cabinet on 13th December 2017. The summary report of the consultation and specific comments are attached as Appendix 1 to this report.
- 12.3 The Cabinet decision of 13th December 2017 to close Pontllanfraith Leisure Centre was the subject of a call-in which was considered by the Regeneration and Environment Scrutiny Committee on 18th January 2018. The Scrutiny Committee resolved to support the call-in and to refer the matter back to Cabinet with a recommendation that additional consultation takes place with the Future Generations Commissioner, the Youth Forum and the Children's Commissioner. Additional consultation was undertaken and the responses from each Commissioner and the Youth Forum were reported to Cabinet on 28th March 2018 and are included at Appendix 2.
- 12.4 Blackwood Town Council responded to the public consultation in November 2017. The Town Council's response is included in full at Appendix 3 and was included and addressed in the reports to Cabinet of 13th December 2017 and 28th March 2018. Since that time installation of a new dual use 3G pitch has been completed at Blackwood Comprehensive School and is the subject of a joint use agreement providing for community access. Additionally, the Council has adopted the Sport and Active Recreation Strategy 2019-29 which sets out a vision for future provision which is consistent with the Well-being of Future Generations Act.
- 12.5 Blackwood Town Council have restated their opposition to any potential closure of Pontllanfraith Leisure Centre and have stated that every effort should be made to keep the facility at the heart of the community and proper consideration given to potential transfer of assets to community ownership after meaningful discussions with the local community, leisure centre users and groups, partners and other stakeholders. No expressions of interest have been received in relation to this.
- 12.6 In the ten week public consultation ending on 21st September 2018 undertaken in connection with the Sport and Active Recreation Strategy 2019-29 views were sought via a questionnaire and 711 responses were received. The full report of the consultation responses is available at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk). In summary, there was broad support for the Strategy's Vision and proposed Actions to support the Vision.

- 12.7 75 of the 711 respondents to the consultation on the Strategy indicated that the Leisure Centre they use most often is Pontllanfraith and so it has been possible to filter the responses to provide views directly related to Pontllanfraith Leisure Centre and these are included at Appendix 4.
- 12.8 One of the consultation questions asked people what they felt would be the impact on them of rationalising facilities. 52% of 711 respondents to the consultation on the Strategy, and 99% of those who indicated that they use Pontllanfraith Leisure Centre most often, felt the impact of rationalising leisure facilities would be negative; the majority of responses were focussed on longer travel times and distances and a perceived reduction in facilities. The consultation also sought views on what could be done to mitigate any negative impact on the respondent or their family and responses were mainly focussed on keeping all leisure centres, or nearest centres, open.
- 12.9 The consultation also asked respondents to provide details if they felt that the proposed changes would affect them as an individual (positively or negatively) because of any protected characteristics and 7 responses were received with 2 actually relating to protected characteristics. Both comments related to age, one in relation to young teenage children and one with age not specified, and both citing concerns about travel to alternative facilities. There were also two references to medical condition/long term injury. The limited number of comments may be, in part, explained by that fact that older people and people with disabilities are significantly underrepresented amongst Pontllanfraith Leisure Centre Smartcard users as compared with the general population (see 9.3 above for further details).
- 12.10 The outcome of the consultation was considered by the Regeneration and Environment Scrutiny Committee on 8th November 2018 and then Cabinet on 14th November 2018 where the strategy was formally approved and adopted. After the public consultation on the Strategy a petition was presented at Council on 9th October 2018 by Councillor Kevin Etheridge with 5343 signatories against the possible closure of Cefn Fforest and Pontllanfraith Leisure Centres. On 4th November 2018 a protest march also took place in Blackwood town centre in opposition to leisure centre closures.
- 12.11 The Ward Members for Pontllanfraith ward and for those wards neighbouring Pontllanfraith (Blackwood, Newbridge, Abercarn, Penmaen, Ynysddu, Maescwmmmer, and Pengam wards) were consulted on this report and their responses, together with comments from officers where appropriate, are presented in the table below:

Response	Comment
<p>Cllr. Gez Kirby: It's hugely disappointing that, despite the clear strength of feeling in Islwyn against closure of Pontllanfraith Leisure Centre which is touched upon in this report, no consideration seems to be given to addressing those substantive concerns and considering alternatives to closure.</p> <p>I hope colleagues on Environment &amp; Sustainability Scrutiny will please consider these proposals:</p> <ul style="list-style-type: none"> <li>• Inviting representatives of campaigners</li> </ul>	

<p>to address the forthcoming committee meeting to present any alternative proposals they may have (including, possibly, a community asset transfer), to inform the committee's deliberations</p> <ul style="list-style-type: none"> <li>• Recommending that the final decisions on proposals for Pontllanfraith Leisure Centre should go to full Council, rather than back to cabinet again.</li> </ul>	
<p>Cllr Gary Johnston: I Agree with Cllr Kirby, this is a way forward, let people have their say and for full council to decide</p>	
<p>Cllr Kevin Dawson: I totally agree with Cllrs Johnston and Kirby!</p>	
<p>Cllr Andrew Farina-Childs: I totally agree with the proposals put forward by Cllr Kirby.</p>	
<p>Cllr John Ridgewell: As I think everyone knows, my position has always been absolutely clear on this issue in that I understand and fully accept the rationale for closure of Pontllanfraith L/C. This is an integral element of delivering the now adopted sport and active recreation strategy and as such is a critical first step in the process. However, I also appreciate how emotive the issue of closure has become and fully acknowledge the strength of opposition to the decision.</p> <p>Given the levels of austerity driven budget cuts we have had to address, the new strategy is a bold concept and I'm confident will ensure that in the future we have quality leisure provision for all our residents. However, in its drafting I believe we missed a critical stage in the process of analysis by not examining the option of testing the water on a community asset transfer. (leaving out that the document is entirely silent the merits or not of creating a leisure trust)</p>	<p>Ground 5 of the High Court proceedings against the Council's previous decision to close Pontllanfraith Leisure Centre taken on 19<sup>th</sup> April 2019 related to the option of a community asset transfer of the leisure centre. In his judgement Mr Justice Swift dismissed this ground of challenge recognising that the Council was under no legal obligation to consider community asset transfer. As noted at 12.5 above and Appendix 3 Blackwood Town Council responded to the consultation raising the possibility of community asset transfer, but as stated by Mr Justice Swift this fell well short of anything that could reasonably be understood to be an expression of interest in a community</p>

<p>I'm not saying either of these options would make a difference to the fate of Pont L/C and I don't personally think for one moment either would be workable - not least as the capital receipt from the land sale of the entire site has of necessity been earmarked to help fund our 21st century schools programme. It would though have ensured a more comprehensive public consultation exercise and given the people who so strongly oppose closure the opportunity to comment on these issues before the decision rather than were we are now, addressing these points as an afterthought.</p> <p>Rolling out the new sport and active recreation strategy will inevitably create more Pont L/C scenarios and so let's be sure we learn lessons from this exercise.</p>	<p>asset transfer. Mr Justice Swift also noted that pursuing community asset transfer would involve the Council foregoing any receipt from the site and depending on the terms of the transfer might have required the Council to take on new obligations to the new operator of the site. A community asset transfer, be that to a trust or otherwise, does not address the one-off and on-going revenue costs identified in paragraph 10.8 above</p> <p>No decision has been taken regarding the use of any capital receipt.</p>
<p>Cllr Andrew Whitcombe: I am with Cllr Ridgewell on this. Missing out Community Asset Transfer was a mistake. Although I do not think it viable either. The consultation exercise was flawed.</p> <p>At no time was a question of Asset Transfer mentioned, questions like "we want to use this land to fund a new leisure strategy and building new schools and council homes, do you think that's a good idea?" were not used.</p> <p>However I am still of the opinion that the closure of the centre is required to allow us to progress with the aforementioned.</p>	<p>Please see above.</p>

12.12 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.

## 13. STATUTORY POWER

### 13.1 Local Government Act 2000

Author: Rob Hartshorn, Head of Public Protection, Community and Leisure Services

Consultees: Councillor Nigel George, Cabinet Member for Neighbourhood Services  
Cllr. D.T. Davies – Chair of Environment & Sustainability Scrutiny Committee  
Cllr. A. Hussey - Vice Chair of Environment & Sustainability Scrutiny Committee  
Corporate Management Team  
Mark S. Williams, Interim Corporate Director for Communities  
Rob Tranter, Head of Legal Services and Monitoring Officer  
Steve Harris, Interim Head of Business Improvement Services and Section 151 Officer  
Jeff Reynolds, Sport & Leisure Services Facilities Manager  
Jared Lougher, Sport & Leisure Services Development Manager  
Rhian Kyte, Head of Regeneration and Planning  
Keri Cole, Chief Education Officer  
Sue Richards, Head of Education, Planning, Strategy and Resources  
Mark Williams, Interim Head of Property  
Mike Eedy, Finance Manager  
Anwen Cullinane, Senior Policy Officer  
Shaun Watkins, HR Manager  
Liz Sharma, Consultation and Public Engagement Officer

#### Background Papers:

- Report to Cabinet 20th September 2017 – “Proposals to commence a consultation exercise to close Pontllanfraith Leisure Centre” and relevant minute of meeting
- Report to Regeneration & Environment Scrutiny Committee 1st November 2017 – “Consultation with respect to the closure of Pontllanfraith Leisure Centre” and relevant minute of meeting
- Report to Regeneration & Environment Scrutiny Committee 12th December 2017 – “Outcome of consultation on the potential closure of Pontllanfraith Leisure Centre” and relevant minute of meeting
- Report to Cabinet 13th December 2017 – “The future of Pontllanfraith Leisure Centre” and relevant minute of meeting
- Report to Regeneration & Environment Scrutiny Committee 18th January 2018 – “Consideration of call-in request – Pontllanfraith Leisure Centre” and relevant minute of meeting
- Report to Cabinet 28<sup>th</sup> March 2018 – “Pontllanfraith Leisure Centre – Consideration of the call-in in the context of the leisure review” and relevant minute of meeting.
- Report to Cabinet 14<sup>th</sup> November 2018 – “Draft Sport and Active Recreation Strategy 2019-29” and relevant minute of meeting
- Report to Regeneration and Environment Scrutiny Committee 26<sup>th</sup> March 2019 – “Pontllanfraith Leisure Centre” and relevant Minute.
- Report to Cabinet 10th April 2019 – “Pontllanfraith Leisure Centre” and relevant Minute.

#### Appendices:

Appendix 1 Original Consultation Analysis Report

Appendix 2 Consultation response from Offices of the Children’s Commissioner & Future

Generations Commissioner and Breakdown of Youth Forum response to consultation

Appendix 3 Consultation response from Blackwood Town Council November 2017

Appendix 4 Pontllanfraith Leisure Centre extract from the consultation on the draft  
Caerphilly Sport and Active Recreation Strategy 2019-29

Appendix 5 Equality Impact Assessment