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For all enquiries relating to this agenda please contact Charlotte Evans
(Tel: 01443 864210 Email: evansca1@caerphilly.gov.uk)

Date: 22nd May 2019

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 29th May, 2019** at **10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages	
1	To receive apologies for absence.	
2	Declarations of Interest.	

Councillors and Officers are reminded of their personal responsibility to declare any personal

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and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Cabinet held on 15th May 2019. 1 - 6

To receive and consider the following reports on which executive decisions are required: -

4 Community Asset Transfer Principles (Playing Fields). 7 - 50

5 Regeneration Board - Project Proposals. 51 - 62

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner,

And Appropriate Officers.

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CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 15TH MAY 2019 AT 10.30 A.M.

PRESENT:

Councillor D. Poole - Chair

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability) and L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

R. Edmunds (Corporate Director – Education and Corporate Services) C. HARRY (Interim Chief Executive), D. Street (Corporate Director - Social Services) and M. S. Williams (Interim Corporate Director - Communities).

Also in Attendance:

M. Williams (Interim Head of Property Services), C. Edwards (Environmental Health Manager) and C. Evans (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

The following Cabinet Members declared personal interests in the following items:

Councillor C. Cuss in items 4 and 5 (Asset Management Strategy – Property and Land; Property Review Report 2019) as a Committee Member for a Community Centre and School Governor.

Councillor N. George in items 4 and 5 (Asset Management Strategy – Property and Land; Property Review Report 2019) as a Governor of a School and Community Councillor.

Councillor C. Gordon in item 5 (Property Review Report 2019) as a School Governor.

Councillor B. Jones in items 4 and 5 (Asset Management Strategy – Property and Land; Property Review Report 2019) as a Community Councillor and School Governor.

Councillor S. Morgan in items 4 and 5 (Asset Management Strategy – Property and Land; Property Review Report 2019) as a Committee Member for a Community Centre, Community Councillor and School Governor.

Councillor L. Phipps in item 5 (Property Review Report 2019) as a Committee Member for a Community Centre, School Governor and Trustee of Blackwood Miners Institute.

Councillor D. Poole in items 4 and 5 (Asset Management Strategy – Property and Land; Property Review Report 2019) as a School Governor.

Councillor E. Stenner in item 5 (Property Review Report 2019) as a Committee Member for a Community Centre, School Governor and Trustee of Blackwood Miners Institute.

As these were personal and not prejudicial interests, Members were not required to leave the room, could take part on the debate and vote.

3. CABINET – 24TH APRIL 2019

RESOLVED that the minutes of the meeting held on 24th April 2019 were approved as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. ASSET MANAGEMENT STRATEGY – PROPERTY AND LAND

The following Cabinet Member declared personal interests in this item:

Councillor C. Cuss as a Committee Member for Ael-Y-Bryn Community Centre, Governor and Vice Chair of Upper Rhymney Primary School and Governor of Idris Davies School 3-18.

Councillor N. George as a Governor of Risca Comprehensive and Ty Sign Primary School and a Community Councillor for Risca.

Councillor B. Jones as a Community Council Chair of Van Community Council and School Governor of St. James and St. Cenydd.

Councillor S. Morgan as a Governor of Llanfabon Primary School, Chair of Nelson Community Centre and Community Councillor for Nelson.

Councillor L. Phipps as a Governor on Bedwas high School and Graig-Y-Rhacca Primary and Community School, Council Representative of Graig-Y-Rhacca Community Centre and Trustee of Blackwood Miners' Institute.

Councillor D. Poole as a Governor of Pengam and Fleur-De-Lys Primary Schools.

Councillor E. Stenner as a Governor of Phillipstown Primary School and White Rose Primary School, Community Councillor for Phillipstown and Trustee of Blackwood Miners Institute.

As these were personal and not prejudicial interests, Members were not required to leave the room, could take part in the debate and vote.

The report sought Cabinet approval to implement the Asset Management Strategy – property and Land.

Cabinet noted that the current Asset Management (Land and Property) Strategy was adopted in 2011 and does not fully reflect current and anticipated societal, service area, staffing and financial trends and pressures. As a result, the revised Asset Management Strategy – Property and Land (appended to the Cabinet report) outlined the strategy for the management of the Authority’s property and land assets for the period 2019 to 2024.

Cabinet thanked the Officer for the report and discussion ensued.

Members discussed the assets and premises owned by the Council and sought clarification on budget management. Officers confirmed that there are a number of premises including Schools, Adult Education Premises, Public Toilets, Tourism Buildings and Sheltered Housing Accommodation in which the budget is managed by the tenant, information for which will be included within the Asset Management Strategy – Property and Land Report for clarification.

Discussions took place around Non Operational Land with No Strategic Purpose, with particular reference to Disposal of Land for Residential Development and Cabinet requested that Caerphilly Homes be offered first refusal on vacant parcels of land under consideration for redevelopment, in consultation with Cabinet, Registered Social Landlord, or sale on the open market.

Members discussed Options Appraisals and discussed the proposed option to convert Freeholds to Leaseholds. Officers explained that this refers to buildings which are not currently in use, for which tenants would be preferred in order to increase revenue. Officers however assured Members that this will be clarified within the report.

Discussions took place around the Asset Management Group – Property and Land Terms of Reference and Members requested that the relevant Cabinet Member(s) also form part of the Group composition. Officers agreed to amend as requested.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that, subject to the amendments as outlined at the meeting, the Asset Management Strategy – Property and Land 2019-2024 be adopted and implemented.

5. PROPERTY REVIEW REPORT 2019

The following Cabinet Member declared personal interests in this item:

Councillor C. Cuss as a Committee Member for Ael-Y-Bryn Community Centre, Governor and Vice Chair of Upper Rhymney Primary School and Governor of Idris Davies School 3-18.

Councillor N. George as a Governor of Risca Comprehensive and Ty Sign Primary School and a Community Councillor for Risca.

Councillor C. Gordon as a Governor of Bryn Primary School.

Councillor B. Jones as a Community Council Chair of Van Community Council and School Governor of St. James and St. Cenydd.

Councillor S. Morgan as a Governor of Llanfabon Primary School, Chair of Nelson Community Centre and Community Councillor for Nelson.

Councillor L. Phipps as a Governor on Bedwas high School and Graig-Y-Rhacca Primary and Community School, Council Representative of Graig-Y-Rhacca Community Centre and Trustee of Blackwood Miners’ Institute.

Councillor D. Poole as a Governor of Pengam and Fleur-De-Lys Primary Schools.

Councillor E. Stenner as a Governor of Phillipstown Primary School and White Rose Primary School, Community Councillor for Phillipstown and Trustee of Blackwood Miners Institute.

As these were personal and not prejudicial interests, Members were not required to leave the room, could take part in the debate and vote.

The report provided Cabinet with a factual summary of the Authority's property (land and building) holdings and sought endorsement of the property review that covers the period 2018-2019.

The Property Review Report aims to provide a succinct overview and record of what is a very large and diverse non domestic property portfolio. It presents some key metrics, highlights in period trends, summarises disposals and acquisitions and sets out some of the challenges ahead. The report follows on from the 2018 Property Review Report which was considered and endorsed by Cabinet in May 2018.

Cabinet thanked the Officer for the report and discussion ensued.

Members considered the report in detail and raised queries around the Condition of the Estate, with particular reference to buildings categorised as "C4 Operational Bad" and plans to rectify this. Officers explained that there are a number of schemes in place outside of the Property Portfolio, such as 21st Century Schools Band B scheme, which will address issues identified within school premises, in addition, there were a number of Leisure Centres identified in this category, which will be addressed under the Sport and Active Recreation Strategy.

Discussions took place around Social Services Premises at Ty Pontygwindy, in which a number of teams are located and work well within the building. Officers explained that a decision was taken, in consultation with staff to relocate staff and dispose of the premises. Relocation sites have been identified for each of the teams and cost analysis was conducted, which Officers agreed to circulate to Members for their information.

A Cabinet Member raised a query around the residential development at Ty Pontllanfraith and it was noted that residents have highlighted that work has commenced and trees been felled. Officers explained that only investigatory works are being conducted at the site, however, this will be looked into further, and feedback provided to Members.

Discussions took place around the buildings listed within the report as Flying Start Premises and it was noted that these were not Council owned but leased buildings, Officers agreed to check with the Estates Team and amend as appropriate.

Cabinet considered the Council's Carbon Footprint and discussions ensued around the Annual Electricity Consumption for Penallta House, a query was raised as for the reason for the downward trend recorded in 2017/18 and the slight increase in 2018/19. Officers explained that a number of factors impacted upon the figures, the initial decrease was due to the implementation of a manual cooling system, allowing greater control over the temperature and energy consumption, however the slight increase was due to a severe winter in 2018/19, resulting in an increase in energy consumption. Officers added however that it is anticipated that these figures will dramatically reduce in the coming year following the implementation of the new lighting system within Penallta House.

In considering the premises details within Elm Drive in Risca, a Member highlighted that there are 12 units within that area. Officers agreed to revise the report where appropriate.

In addition, it was requested that Officers state that assumptions are based on 2018/19, in order to make data more clear.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's Report:

- i) the 2019 Property Review Report and the changes in the property portfolio be noted;
- ii) the annual report (as appended to the Cabinet report) be endorsed.

6. LOCAL TOILETS STRATEGY

The report, which was considered by Environment and Sustainability Scrutiny Committee on 14th May, sought Cabinet endorsement to adopt and publish the Local Toilets Strategy (the Strategy).

It was noted that a report was previously presented to Cabinet on the 28th November 2018 detailing the requirement for Caerphilly County Borough Council to produce a Local Toilets Strategy. The report also sought permission to consult on the prepared draft Local Toilets Strategy. Caerphilly County Borough Council must publish its strategy by the 31st May 2019.

The duty to prepare a local toilets strategy does not require local authorities to provide and maintain public toilets directly. The Local Authority must take a strategic view on how facilities can be provided and accessed by their local population. Upon review of this strategy, Caerphilly County Borough Council is required to publish a statement of progress. The strategy should contribute toward achieving accessible and clean toilets wherever people live, work or visit.

During Autumn 2018, an assessment of need, including a public consultation exercise, was completed to identify existing provision, current and future need and gaps in provision. Feedback and findings from this work were incorporated into the draft Strategy. Thereafter, a public consultation exercise was undertaken between the 14th December 2018 and the 8th March 2019 to collect views regarding the content of the updated draft strategy. 83 responses were received and have been analysed and reported at Appendix 1.

The last consultation exercise was run almost in parallel with the public consultation on the Medium Term Financial Plan (MTFP); which included a proposal to close five blocks of public toilets across the county borough. Consequently, many of the respondents associated the closure of the public toilets with the Strategy, consequently much of the feedback from the consultation exercise related to the removal of existing provision, particularly facilities for disabled persons.

The Strategy makes reference to the closure of the public toilets; therefore it has not been necessary to amend the strategy as a direct result of comments received.

Environment and Sustainability Scrutiny Committee considered the findings of the public consultation exercise and the updated Local Toilets Strategy and provided comments and feedback around the consultation process, publication of the strategy and raised concerns around the user friendliness of the "App", with particular concerns for older people who may not have access to a smart phone. Scrutiny also expressed a number of concerns around signposting of available toilet facilities in town centres, with some concerns raised around the proposed stickers, provided by Welsh Government to inform the public of facilities in specific shops and premises in town centres.

Cabinet thanked the Officer for the report and discussion ensued.

Cabinet discussed the Strategy in detail and communications following its publication. It was requested that a detailed press release be posted in Caerphilly Newslite providing an example of the Welsh Government Sticker to raise awareness, as well as details of availability of facilities.

Discussions took place around the consultation process for closures of public toilets and it was noted that there was a great deal of involvement with Community Councils, premises owners and voluntary organisations, and, since the closure of facilities in town centres, work is underway in Caerphilly, Bargoed, Risca and Blackwood to arrange transferring of responsibility for the provision of facilities.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's Report the adoption and publication of the Local Toilets Strategy be endorsed.

The meeting closed at 11.08 am.

Approved and signed as a correct record subject to any corrections made at the meeting held on the 29th May 2019.

CHAIR



CABINET – 29TH MAY 2019

SUBJECT: COMMUNITY ASSET TRANSFER PRINCIPLES (PLAYING FIELDS)

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

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- 1.1 The attached report sought the views of the Scrutiny Committee on the adoption of a set of guiding principles in relation to the transfer of playing fields to sporting organisations, prior to the presentation to Cabinet for a decision.
 - 1.2 The Council is receiving an increasing number of applications from sports clubs to lease facilities (sports fields and/or pavilions). To date, the general ethos is that the Council would support clubs ambitions (on an ad-hoc basis); however in the absence of any guiding principles and for the reasons set out in the body of the report, this is becoming increasingly difficult. The Council is committed, where possible, to provide assistance to clubs to become more sustainable and enable their development and progression to higher leagues. This not only brings benefits for the club, its players, sport in general and the county borough, but the adoption of the principles enables the Local Authority to protect assets.
 - 1.3 The report outlined some guiding principles which will assist in decision making and provide clarity for sporting organisations when considering applications for transfer of playing fields and or pavilions.
 - 1.4 The Scrutiny Committee discussed the report and implementation of the principles at length and sought clarification around the implementation of barriers on pitches within parks across the borough and whether this would be feasible, as it could limit public access to spaces and hinder wellbeing. Officers explained that there are concerns from a number of clubs for dog fouling on pitches, however, barriers are often single pole barriers, which are used for crowd control during fixtures and are not obstructive for public access, however, where a club has requested to provide a stand for spectators, this has to be considered on merit, as often these facilities can attract Anti-Social Behaviour and therefore further fencing is required, which is not always suitable on all facilities.

RESOLVED that for the reasons contained in the Officer's Report, the Scrutiny Committee recommended that the following principles be adopted:

- i) That the Council grant permission where it is appropriate to do so, for clubs to install crowd control barriers (with or without infill panels to exclude dogs);
- ii) Where there is an overly restrictive covenant placed on the playing field or building, the Council will be precluded from entering into lease or licence agreements with clubs;
- iii) That the Council will only accept applications from clubs, where they are at least eighteen months away from commencing within a new league structure for example, Welsh League in Football and either the WRU Championship or Premiership in rugby. Any application must be accompanied by a robust business case and a non-refundable fee of £500 to cover initial legal costs and

officer's time. Additionally, where relevant, the club will be liable for advertising costs as set out within The Playing Fields (Community Involvement in Disposal Regulations) (Wales) 2015, which can be in excess of £4,000. To this end, pre-application discussions with officers are encouraged;

- iv) That the Council grant preferred user status where it is appropriate to do so, to such clubs who are registered as Community Amateur Sports Clubs (CASC's);
- v) That officers review the booking process and continue to explore development opportunities at 3G pitches to facilitate those clubs in the higher leagues un meeting their league requirements;
- vi) That playing fields and other facilities held on charitable trust have different governance arrangements and will need to be the subject of a separate decision making process;
- vii) That where management agreements are granted, responsibility for statutory testing and maintenance (within buildings) and grounds maintenance will be retained by the Council and recharged to the club as part of the agreement;
- viii) That the Authority will continue to honour existing leases, where the clubs are fully compliant with the terms of the lease;
- ix) That all applications will be subject to a discussion, to highlight any potential issues, between relevant officers will engage the relevant local members and Cabinet Member at the earliest stage in the application process and will determine the most appropriate method for consultation with residents in conjunction with the relevant local member(s). The views of local member(s) will be taken into account in the decision making process set out in the Council's Constitution. Where the ultimate decision is to refuse any application for asset transfer then the decision will be communicated as the decision of the Council and will not be attributed to the views of any individual members;
- x) That any exception to this set of principles is brought before Cabinet for a decision.

Author: Charlotte Evans, Committee Services Officer – evansca1@caerphilly.gov.uk

Appendices:
Appendix 1 Environment and Sustainability Scrutiny Committee Report – 14th May 2019



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 14TH MAY 2019

SUBJECT: COMMUNITY ASSET TRANSFER PRINCIPLES (PLAYING FIELDS)

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Scrutiny Committee on the adoption of a set of guiding principles in relation to the transfer of playing fields to sporting organisations prior to the presentation to Cabinet for a decision.

2. SUMMARY

- 2.1 The Council is receiving an increasing number of applications from sports clubs to lease facilities (sports fields and/or pavilions). To date, the general ethos is that the Council would support clubs ambitions (on an ad-hoc basis); however in the absence of any guiding principles and for the reasons set out in the body of this report, this is becoming increasingly difficult. The Council is committed, where possible, to provide assistance to clubs to become more sustainable and enable their development and progression to higher leagues. This not only brings benefits for the club, its players, sport in general and the county borough, but the adoption of the principles enables us to protect our assets.
- 2.2 This report sets out some guiding principles which will assist in decision making and provide clarity for sporting organisations when considering applications for transfer of playing fields and or pavilions.
- 2.3 The views of the Regeneration and Environment Scrutiny are sought on the guiding principles prior to a report being presented to Cabinet for a decision.

3. RECOMMENDATIONS

- 3.1 The views of the scrutiny committee are sought prior to submission to Cabinet in relation to the following set of principles relevant to applications for the transfer of playing fields to sporting organisations:
 1. That the Council grant permission where it is appropriate to do so, for clubs to install crowd control barriers (with or without infill panels to exclude dogs).
 2. Where there is an overly restrictive covenant placed on the playing field or building, the Council will be precluded from entering into lease or licence agreements with clubs.

3. That the Council only accept applications from clubs, where they are at least eighteen months away from commencing within a new league structure for example, Welsh League in Football and either the WRU Championship or Premiership in rugby. Any application must be accompanied by a robust business case and a non-refundable fee of £500 to cover initial legal costs and officer's time. Additionally, where relevant, the club will be liable for advertising costs as set out within The Playing Fields (Community Involvement in Disposal Regulations) (Wales) 2015, which can be in excess of £4,000. To this end, pre-application discussions with officers are encouraged.
4. That the Council grant preferred user status where it is appropriate to do so, to such clubs who are registered as Community Amateur Sports Clubs (CASC's).
5. That officers review the booking process and continue to explore development opportunities at 3G pitches to facilitate those clubs in the higher leagues in meeting their league requirements.
6. That playing fields and other facilities held on charitable trust have different governance arrangements and will need to be the subject of a separate decision making process.
7. That where management agreements are granted, responsibility for statutory testing and maintenance (within buildings) and grounds maintenance will be retained by the Council and recharged to the club as part of the agreement.
8. That the Authority will continue to honour existing leases, where the clubs are fully compliant with the terms of the lease.
9. That all applications will be subject to a discussion, to highlight any potential issues, between relevant officers, the relevant Cabinet members and local Members. In this context, officers will engage the relevant local members and Cabinet Member at the earliest stage in the application process and will determine the most appropriate method for consultation with residents in conjunction with the relevant local member(s). The views of local member(s) will be taken into account in the decision making process set out in the Council's constitution. Where the ultimate decision is to refuse any application for asset transfer then the decision will be communicated as the decision of the Council and will not be attributed to the views of any individual members.
10. That any exception to this set of principles is brought before Cabinet for a decision.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To have a clear set of principles which will determine how applications from sporting organisations will be managed going forward. Clear principles will ensure equal treatment of all potential applicants and consistent decision making.

5. THE REPORT

- 5.1 At its meeting held on the 17th October 2000, Cabinet formally approved a standard policy in relation to rents and recreational leases. This is set out within paragraph 4.2, 4.3 and 4.5 of the report, which is attached as Appendix 1.
- 5.2 In 2013, Property Services prepared draft protocols for the transfer of recreational assets, a copy of which is attached as Appendix 2.

- 5.3 The council recognises the way its physical assets are managed can have a positive impact on the long term strength of local communities. Through asset “ownership”, sporting clubs and associations can grow and become more secure and gain access to sources of external funding that the council is not able to take advantage of.
- 5.4 It has however become clear that over time there are conflicting aspirations in relation to the transfer of playing fields. Rugby and football clubs in particular are unable to progress to the higher leagues unless they can demonstrate compliance with Welsh Rugby Union (WRU) or Football Association of Wales (FAW) criteria (for ease a copy of the FAW criteria is attached as Appendix 3). Clubs often require a lease (which confers exclusive occupation upon the tenant) to enable them to draw down funding. Officers have attempted to safeguard the council in such leases/licences by insisting the lease/licence permits free and open public access. However, the enclosure of a site by perimeter fencing and admission of the public only when permitted by the tenant (whether or not a charge is made for entry to the site) can sometimes contravene the basis on which assets are held by the council where there is a “public recreational use” restriction.
- 5.5 It has also become clear that the council has previously responded to applications for leases from sports clubs (who wish to apply for external funding streams) in isolation from any strategic consideration of the council’s own aims and objectives.
- 5.6 Not only should a proposal align to the council’s wellbeing agenda, but officers must also ensure that the way in which assets are managed underpins corporate aims and only where appropriate will the council use asset transfer as a means of supporting sporting organisations. In this context, clubs are directed to facilities such as the Centre of Sporting Excellence where such facilities are available. However, this may be problematic due to Welsh League football rulings concerning the number of clubs playing within the same league structure from a particular venue.
- 5.7 In addition, some leases may be considered as business tenancies, which have statutory protection but may be terminated on specific grounds (for example on the basis that the council wishes to provide generally available public recreation facilities). Members may wish to consider these matters as exceptions.
- 5.8 Officers are currently developing a policy and protocol for Community Asset Transfer (CAT). This report will be presented to members for consideration once it has been developed fully.
- 5.9 However, the transfer of playing fields (and associated changing rooms/pavilions) has a number of particular challenges:-
- (1) Resource implications to comply with The Playing Fields (Community Involvement in Disposal Decisions Regulations) (Wales) Regulations 2015. However, if the majority of applications are to be considered as either preferential user or management agreements, the Regulations will not apply.
 - (2) Barriers to informal use of playing fields. Fences, even with a gate, sometimes gives the impression of excluding the general public.
 - (3) Grandstands and other facilities are sometimes required to progress through WRU/FAW leagues.
 - (4) Some playing fields are held on charitable trust. Any decision regarding them must be taken “*considering only what is in the best interest of the charity*”. It is unlikely that letting the facility at an undervalue can ever be considered “*in the best interest of the charity*”. Members should note that sites held on charitable trust are outside the scope of this report and any decision will be considered separately by Cabinet, sitting as trustees.

- 5.10 Members have previously considered a proposal to exclude dogs from all Council owned marked sports/playing fields and a review is being undertaken with a view to reporting the current position to members for further consideration. Recognising the legitimate concerns in relation to dog fouling on playing fields (in particular those fields on which organised fixtures are played) it would seem appropriate to grant permission to clubs consenting to the installation of crowd control barriers (with or without infill panels to exclude dogs) and granting preferred user status to such clubs who have registered as Community Amateur Sports Clubs. Preferred user agreements allow clubs to have priority use of the playing field over other clubs across the county borough. However, this does not convey upon the club(s) any management or maintenance responsibilities.
- 5.11 Some clubs have requested management agreements for both playing fields and pavilions. Requests for such agreements in relation to pavilions should be judged on their individual merits as opening/closing and cleaning is more cost effective when directly undertaken by a club as part of a management agreement. However, provision would need to be made to accommodate other users.
- 5.12 Management agreements for opening/closing and cleaning pavilions will be offered to such clubs who have registered as Community Amateur Sports Clubs (CASC's); bookings will continue to be managed by the Parks and Countryside Operations Service.
- 5.13 Where a club enters into a management agreement, the consideration will be a peppercorn rent and the managing club will have a preferred user status for both the pavilion and the associated playing field. Responsibility for statutory testing and maintenance (within the building) and grounds maintenance will be retained by the authority and recharged to the club as part of the agreement.

5.14 **Conclusion**

In the current financial climate, it is acknowledged that the Council has limited financial resources to improve playing fields and changing room provision. Whilst our ethos is to get *more people, more active, more often*, the adoption of a set of guiding principles will allow officers to work closely with sports clubs to reach their aspirations, obtain grant funding to improve facilities (which we as a Council cannot access) and subsequently protect our assets for future generations. This also aligns with the principles set out within the Council's adopted Sport and Active Recreation Strategy.

6. **ASSUMPTIONS**

6.1 In preparing this report, the following assumption has been made:-

- In para 3.5, that a number of teams playing from the Centre of Sporting Excellence is acceptable to the relevant bodies (WRU/FAW).

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The recommendations in this report contribute to the following wellbeing goals within the Wellbeing of Future Generations Act (Wales) 2015:

- A Wales of Vibrant Culture and Thriving Welsh Language;
- A More Equal Wales;
- A Healthier Wales.

7.2 At its meeting on 14th November 2018, Cabinet approved the Sport & Active Recreation Strategy. The strategy sets out the Council's future purpose and direction for the provision of sport and active recreation across the county borough over the next ten years. This includes a commitment to working closely with community sports clubs and governing bodies, assisting them to become bigger, stronger and more sustainable through facility improvements.

7.3 In 2015, Cabinet approved a review of existing outdoor recreation and leisure facilities. The review focused on equipped play provision, sports pitches, allotments and amenity green space. This will ensure that any future funding is channelled into identified gaps in provision.

7.4 **Corporate Plan 2018-2023.**

The contents of this report contributes to the Corporate Well-being objective 5 – creating a county borough that supports a healthy lifestyle in accordance with the sustainable development principle within the Wellbeing of Future Generations (Wales) Act.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 This report contributes to the wellbeing goals as set out within the Links to Strategy section above:-

- (1) A Healthier Wales - creating a society in which people's physical and mental wellbeing is maximised and in which choices and behaviours that benefit future health are understood.
- (2) A More Equal Wales – creating a society that enables people to fulfil their potential no matter what their background or circumstances.
- (3) A Wales of Vibrant Culture and Thriving Welsh Language – creating a society that promotes and protects culture, heritage and the welsh language and which encourages people to participate in the arts and sport and recreation.

9. EQUALITIES IMPLICATIONS

9.1 An Equalities Impact Assessment screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full Equalities Impact Assessment has not been carried out.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications associated with this report however there could be potential future Medium Term Financial Plan (MTFP) savings from entering into such agreements.

11. PERSONNEL IMPLICATIONS

11.1 In relation to paragraph 5.11 of this report, should a club request a management agreement, which include the pavilion, there maybe personnel implications associated with that request as we currently employ Pavilion Attendants to open, close, clean and ensure the building is secured, when fixtures are booked. However, some of these staff are engaged via an employment agency and those who are employed directly by the Council could be allocated to an alternative facility.

11.2 In addition to the above, a potential staff resource implication has been identified in paragraph 5.9 (1) of this report.

12. CONSULTATIONS

- 12.1 This report has been sent to all the listed consultees below and all responses have been reflected within this report.

13. STATUTORY POWER

- 13.1 Local Government Act 2000.

14. URGENCY

- 14.1 The decision is not urgent and is subject to the call in procedure.

Author: Michael Headington, Green Spaces & Transport Services Manager
(headim@caerphilly.gov.uk)

Consultees: Mark S. Williams, Interim Corporate Director - Communities
(willims@caerphilly.gov.uk)
Robert Hartshorn, Head of Public Protection, Community & Leisure Services
(hartsr@caerphilly.gov.uk)
Stephen Harris, Interim Head of Business Improvement Services and Acting 151 Officer
Mark Williams, Interim Head of Property Services (willim17@caerphilly.gov.uk)
Councillor Nigel George, Cabinet Member for Neighbourhood Services
(georgn@caerphilly.gov.uk)
Councillor Lisa Phipps, Cabinet Member for Homes and Places
(JonesL1@caerphilly.gov.uk)
Richard Crane, Principal Solicitor (cranerk@caerphilly.gov.uk)
Lynne Donovan, Head of People Services (donovl@caerphilly.gov.uk)
Anwen Cullinane, Senior Policy Officer - Equalities & Welsh Language
(cullima@caerphilly.gov.uk)
Robert Tranter, Head of Legal Services/Monitoring Officer
(trantrj@caerphilly.gov.uk)
M. Eedy, Finance Manager (eedymp@caerphilly.gov.uk)
J. Reynolds, Sports & Leisure Facilities Manager (reynoj@caerphilly.gov.uk)
J. Lougher, Sports & Leisure Development Manager (loughi@caerphilly.gov.uk)

Appendices:

- Appendix 1 Recreational leases to outside bodies
Appendix 2 Protocols for the transfer of Recreational Assets
Appendix 3 FAW / WRU Criteria

CABINET – 17TH OCTOBER 2000

SUBJECT: RECREATIONAL LEASES TO OUTSIDE BODIES

REPORT BY: DIRECTOR OF EDUCATION AND LEISURE

1. PURPOSE

- 1.1 To consider and establish a policy for Caerphilly County Borough Council in respect of the rent charged for recreational leases that apply to local sports clubs and associations (Private, Professional or Commercial enterprises will be subject to separate negotiations and leasing arrangements).

2. BACKGROUND

- 2.1 The County Borough Council has a significant number of recreational leases.
- 2.2 These have been inherited mainly from 4 of the former constituent authorities and from new leases operational from 1996.

Sports clubs are rooted in their local communities and perform a valuable function within local sporting networks, ensuring that development activities take place and that participants have the opportunity to progress and excel.

Most of these relate to areas of land upon which buildings and other facilities have been developed, although some relate to buildings in respect of which the lessors have full or partial maintenance responsibilities. Some present leases have provision for rent reviews whereas others do not.

- 2.3 Members will be aware that Cabinet on the 27th June, 2000, and at Council on 3rd August, 2000, a policy was adopted in relation to ground leases to outside bodies. That particular policy document did not cover the groups that are referred to in this policy document.

3. ACTION REQUIRED

- 3.1 In the interests of fairness and equity and in order to achieve a consistent approach across the whole Caerphilly County Borough Council area for those leases that have review clauses and for any new leases, it is suggested that it would be advantageous to adopt a formal policy for its recreational leases.
- 3.2 The present County Borough Council's policy is to lease land and property used for recreational purposes at less than the commercial market rental value because:
- (a) most of these leases are to voluntary community based clubs and organisations that do not have substantial revenue income;

- (b) most of the leased property provides valuable facilities for use by the local community at little or no cost to the local authority, except occasional or pump-priming assistance in the form of grants, advice and help in kind;
 - (c) the management of these facilities is vested in community based clubs or organisations, hence decisions about their future development and control are taken at local level within their respective communities. The Council exercises a degree of control through the terms and conditions of the individual leases.
- 3.3 If a decision is taken to seek a commercial market revenue for any new recreational leases, leases which are now the responsibility of the County Borough Council which have review clauses, it would have a severely detrimental effect upon a number of the clubs and organisations and would create a system which favoured some lessees and penalised others.
- 3.4 There is dispensation for local authorities to lease recreational land and property at less than market rental under the Local Government Act 1972: General Disposal Consent 1998.
- 3.5 Some existing leases have a set annual rental with no provision for review. In these cases the lessee will continue to pay the same annual rental for each year throughout the lease term.
- 3.6 In other cases the lease has been granted subject to "the Council's prevailing rent policy in relation to recreational leases". This allows the Council to review the rent at periodic intervals, e.g., every 3, 5 or 7 years. The benefits of this arrangement are that the Council will receive increased, albeit small scale, revenue income from recreational leases on an ongoing basis, where the lessee can be sure of their annual rent commitment over a given period. Whilst it is a matter for the Council to set the rent level at each review it is less likely that the Council will act in an unreasonable manner if it decides to link the rent increase into an existing mechanism such as the retail price index. In this way the rent payable for recreational leases will increase in line with inflation.
- 3.7 In the majority if not all recreational leases there is a clause which does not permit the lessee to assign the lease or sub-let any part of the land without the prior written consent of the Council in its capacity as landlords.

4. STANDARDISATION OF TERMS

- 4.1 It is proposed that a recreational lease policy is adopted along similar lines to those recreational leases presently granted, but the policy is more clearly defined than at present and that the criteria for determining lease rentals is clear and prescriptive.
- 4.2 It is proposed that:-
- (a) the proposed rent level of £50 per annum, per acre or part thereof, in relation to land and/or buildings leased for recreational purposes, be agreed. These rates to be charged to clubs/organisations on the basis of their purpose, funding/ability to raise funds, as set out below:
 Non profit making groups and organisations offering community/social benefits;
 Groups reliant on locally raised funds;
 Bona fide clubs affiliated to national affiliated bodies.

This does not include those clubs which are professional, private or commercial, e.g., premier rugby clubs affiliated to the Welsh Rugby Union.

- (b) a leased term of 10 years is proposed for all new leases and renewals. Where organisations meet the requirements of funding bodies, it is proposed that the longer lease be granted of the minimum period required. In such cases the extended lease would be granted subject to confirmation of scheme funding,
- (c) the rental charge in respect of any new leases be subject to review every 5 years;
- (d) all recreational rent reviews be increased in line with the retail price index.

4.3 The following standard terms should be included together with any specific terms required by the Head of Legal Services in relation to individual sites:

Concessions - £50 per annum/per acre or part thereof

Market Rental - assessed by Valuer

(For private, commercial and professional organisations).

User Clause:

Restriction of use of the land to the purpose indicated by the applicants for purpose of the organisation.

Restriction preventing development or alteration of the land without landlord's consent.

The tenants would be required to covenant to:-

1. pay the appropriate rent;
2. pay rates and any other outgoings;
3. pay for all utility services consumed and meter charges;
4. keep the property in a good state of repair;
5. not to assign, under-let, or part with possession of part or the whole of the property without the landlord's prior written consent which shall not be unreasonably withheld;
6. maintain and repair all buildings and grounds fit for purpose of use;
7. meet any other costs associated with the undertaking of a lease.

The Council as landlord would covenant to:-

1. grant the tenant peaceful enjoyment of the property;
2. to re-enter in the event of non-payment of rent or other fundamental breach of lease terms, insolvency of the tenant, or cessation of use of the property by the tenant.

4.4 In the current economic climate the rent levels suggested represent a relatively modest increase, although a decrease in some of the rentals presently charged. In this way it can be seen that the Council is helping to assist local sports clubs and recreational organisations which make a valuable contribution to the quality of life for local residents.

4.5 It is proposed that the new rent levels, if agreed, should become operational immediately.

5. FINANCE IMPLICATIONS

- 5.1 The financial implications arising from the report are difficult to quantify in that it is difficult to forecast the potential loss of income from facilities from which there is presently a charge and the savings from maintenance which are presently met by the Council for those facilities.
- 5.2 In the process of negotiating future leases, there may be, in certain circumstances, a need to grant aid organisations to enable them to maintain their facilities, in particular those facilities that are expensive to maintain. It is proposed that a proportion of the present maintenance budget could be used for grant aid in these circumstances.
- 5.3 A more detailed analyses of these issue will be the subject of a future report on grounds maintenance.

6. RECOMMENDATION

The information on recreational leases is noted and that the standard Council policy be established on rents policy on recreational leases the details of which to be agreed as set out in paragraphs 4.2, 4.3 and 4.5.

Author: Peter Gomer, Head of Lifelong Learning & Leisure
Consultees: John Rogers, Legal Services
Martin Lennon, Property Services

This recommendation is endorsed by Corporate Management Team.

APPENDIX 2 PROTOCOLS FOR THE TRANSFER OF RECREATIONAL ASSETS

PREAMBLE

- 1.1 It should be noted that some recreation grounds have been dedicated for public recreation and may have covenants restricting their use to *public* recreation, or reverter clauses whereby the land reverts to the original owner in the event that the public use ceases; in other case land is held under charitable trust. There are four classifications of recreational assets.

CLASSIFICATIONS OF RECREATIONAL ASSETS

- 1.1.1 RECREATIONAL ASSETS HELD ON CHARITABLE TRUSTS.
Assets and resources held in this way can, and must, be used only to further the charity's aims; the management of such assets must be to support or further that purpose.
- 1.1.2 RECREATIONAL ASSETS SUBJECT TO RESTRICTIVE COVENANTS
Some recreation grounds may have been dedicated for public recreation and may have covenants restricting their use to *public* recreation. In such circumstances Asset Transfer might be a breach of that legal obligation.
- 1.1.3 RECREATIONAL ASSETS SUBJECT TO REVERTER CLAUSES.
Some recreation grounds may have been dedicated for public recreation and may have reverter clauses whereby the land reverts to the original owner in the event that the public use ceases.
- 1.1.4 PUBLIC OPEN SPACE
Those that are unencumbered, that is to say the Council owns the freehold and there are no restrictions on its title. Nonetheless the Council has a degree of constraint on its actions since Public Open Space cannot be sold or transferred without advertising the intention to do so and having regard to any objections that are made.
- 1.2 The Council has previously responded to applications for asset transfers from sporting clubs and associations that have wished to apply for external funding in isolation both from one another, and from any strategic consideration of the Council's own aims and objectives.
- 1.3 Officers have attempted to safeguard the Council in these transfers against breaches of restrictive covenant by requiring the transferee to permit the public access; however, the enclosure of a site by fencing and admission of the public only when permitted by the tenant (whether or not a charge is made for entry to sites) contravene the basis on which assets have been held by the Council where there is a public recreational use clause.
- 1.4 That the council has, in the past, been party to such ambiguousness is sustainable only in the absence of a policy or Protocol governing the management of recreational assets.

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PRESUMPTION

The Council will not agree to the transfer of a recreational asset unless it can be shown that such a transfer is in the better public interest

1. One of the Council's Corporate Priorities is to **promote and support health & well-being**; recreational assets provide space and opportunities for recreation and contribute to the well-being of local communities, helping to underpin this priority. There is an extensive network of provision across the County Borough.
2. The Council also recognises the way its physical assets are managed can have a positive impact on the long-term strength of local communities. Through asset ownership, sporting clubs and associations can grow and become more secure, gaining access to sources of additional funding that the Council itself may not be able to access.
3. However, the Council must ensure that the way assets are managed underpins wider corporate aims and only where appropriate will the Council use asset transfer as a means of supporting sporting clubs and associations.
4. For any application to succeed, it must satisfy the appropriate protocol overleaf.

PROTOCOLS

A RECREATIONAL ASSETS HELD ON CHARITABLE TRUSTS

- A.1 Before any transfer proposal can be considered, the purpose of the charity must be defined and the proposal weighed against, and only against, that purpose

The question to be posed is: "Does the proposal support or further the identified charitable purpose?"

If "Yes", how? A Business Case will be required from the Applicant

If "No", will a cash sum (capital or revenue) be generated that can be used to support or further that purpose?

- A.2 If the Council, as charitable trustee, is minded to progress the application, refer to [Sales, leases, transfers or mortgages...](#) (Charity Commission website) (See also [Appendix 1](#) Summary Decision Chart for assets held on Charitable Trusts)

N.B.

- i. If the asset is "designated land" and is not to be replaced, specific consent may be needed from the Charity Commission.
- ii. The "usual" consultation rules under the "PROTOCOL FOR DISPOSAL OF PROPERTY" will not automatically apply to such a disposal

B RECREATIONAL ASSETS SUBJECT TO RESTRICTIVE COVENANTS

- B.1 Before any transfer proposal can be considered, the nature of the restriction must be defined and the proposal weighed against it.

The question to be posed is: "Would the proposal be in breach of that restriction?"

- B.2 If it would, the Council must determine whether the proposal supports or furthers its own strategic aims and corporate priorities, and whether it wishes to seek a relaxation or removal of the covenant.

If the proposal supports or furthers those strategic aims and corporate priorities a Business Case will be required from the Applicant

If the proposal does not support or further those strategic aims and corporate priorities will a cash sum (capital or revenue) be generated that can be used to support or further them?

- B.3 If the Council is minded to progress the application, the "usual" consultation rules under the "Protocol for Disposal of Property" will apply to such a disposal

The flowchart at [Appendix 2](#) will assist the process

C RECREATIONAL ASSETS SUBJECT TO REVERTER CLAUSES

- C.1 Before any transfer proposal can be considered, the nature of the dedication must be defined and the proposal weighed against it.

The question to be posed is: "Would the proposal be in breach of that restriction?"

- C.2 If it would, the Council must determine whether the proposal supports or furthers its own strategic aims and corporate priorities, and whether it wishes to seek a waiver of the reversion from the Grantor. In such instances, the original owner may require a cash settlement that may have regard to a relaxation of the purpose behind the dedication, or may represent the full market value of the land.

If the proposal supports or furthers those strategic aims and corporate priorities a Business Case will be required from the Applicant

If the proposal does not support or further those strategic aims and corporate priorities will a cash sum (capital or revenue) be generated that can be used to support or further them?

The terms of the waiver referred to in paragraph C.2 above will inform the decision-making process

- C.3 If the Council is minded to progress the application, the "usual" consultation rules under the "PROTOCOL FOR DISPOSAL OF PROPERTY" will apply to such a disposal

The flowchart at [Appendix 2](#) will assist the process

D RECREATIONAL ASSETS OTHERWISE FREE FROM RESTRICTIONS (PUBLIC OPEN SPACE)

- D.1 Does the transfer proposal support or further the Council's strategic aims and corporate priorities?
- D.2 If it would, the Applicant must produce a Business Case to show how the proposal supports or furthers those strategic aims and corporate priorities
- D.3 If the proposal does not support or further those strategic aims and corporate priorities will a cash sum (capital or revenue) be generated that can be used to support or further them?
- D.4 If the Council is minded to progress the application, the "usual" consultation rules under the "Protocol for Disposal of Property" will apply to such a disposal

The flowchart at [Appendix 2](#) will assist the process

DEFINITIONS

ASSET TRANSFER	is defined as a disposal to a person or other legal entity under the terms of a lease for more than 7 (seven) years
CHARITABLE TRUST	is a form of express trust dedicated to charitable goals. There are a variety of advantages to charitable trust status, including exception from most forms of tax and freedom for the trustees not found in other types of English trust. To be a valid charitable trust, the organisation must demonstrate both a charitable purpose and a public benefit. ¹
DESIGNATED LAND	sometimes referred to as 'specie land', is required by the charity's governing document to be used for a particular purpose of the charity
PUBLIC OPEN SPACE	is defined in s336 of the Town and Country Planning Act 1990as any land laid out as a public garden or used for the purposes of public recreation, or land that is a disused burial ground. Areas of unmaintained wasteland will fall within the definition if they are in fact used for informal public recreation.
RECREATIONAL ASSET	is defined, <i>in this Protocol</i> , as a playing field (or fields) with associated changing rooms and/or pavilions operated by the Council, and open to use by individuals and groups from within the County Borough.
RESTRICTIVE COVENANT	is a legal obligation imposed in a deed by the seller upon the buyer <i>not</i> to do something. Such restrictions "run with the land" and are enforceable on subsequent buyers of the property.

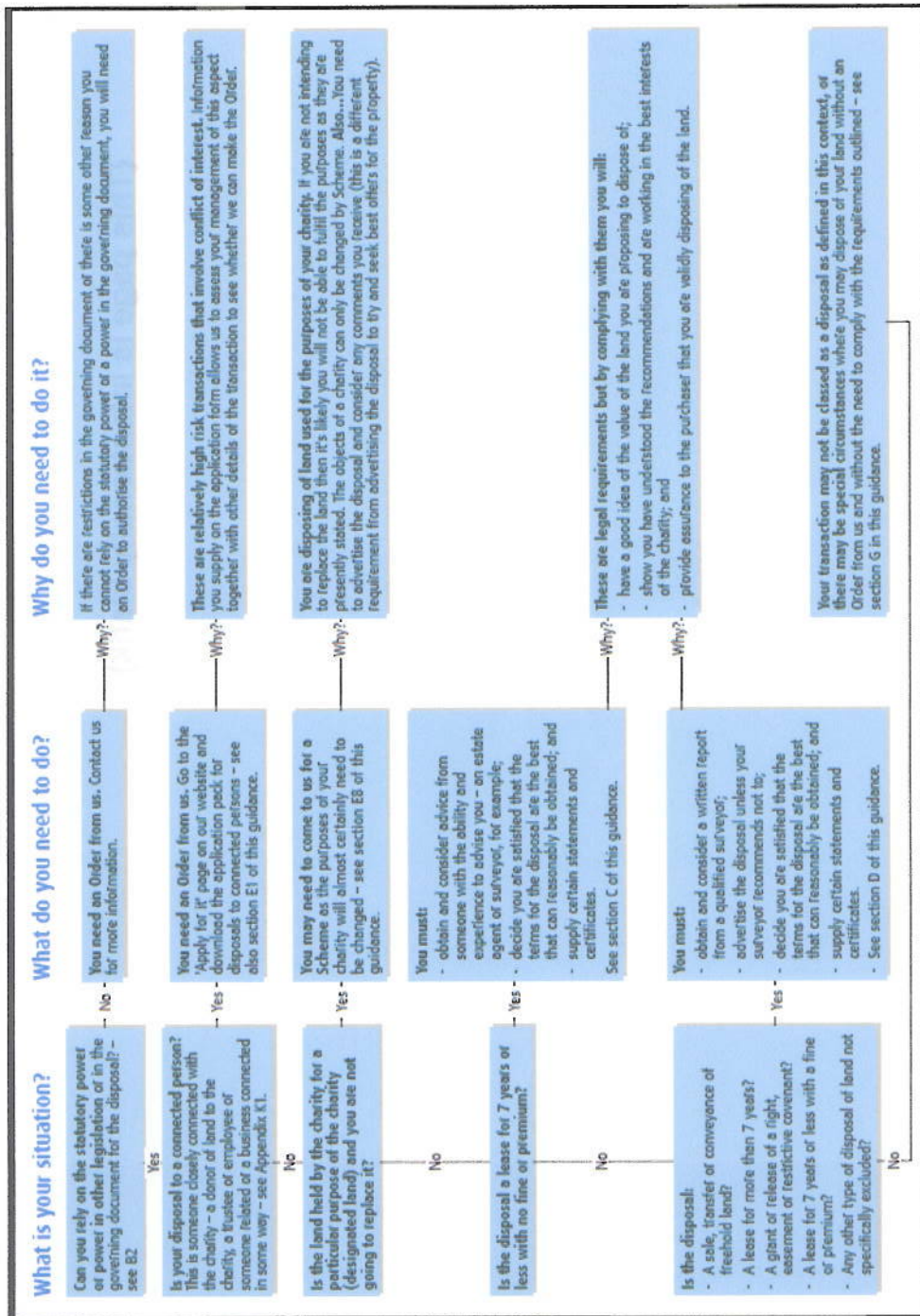
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Summary Decision: CHM 11, 2011, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Annex A

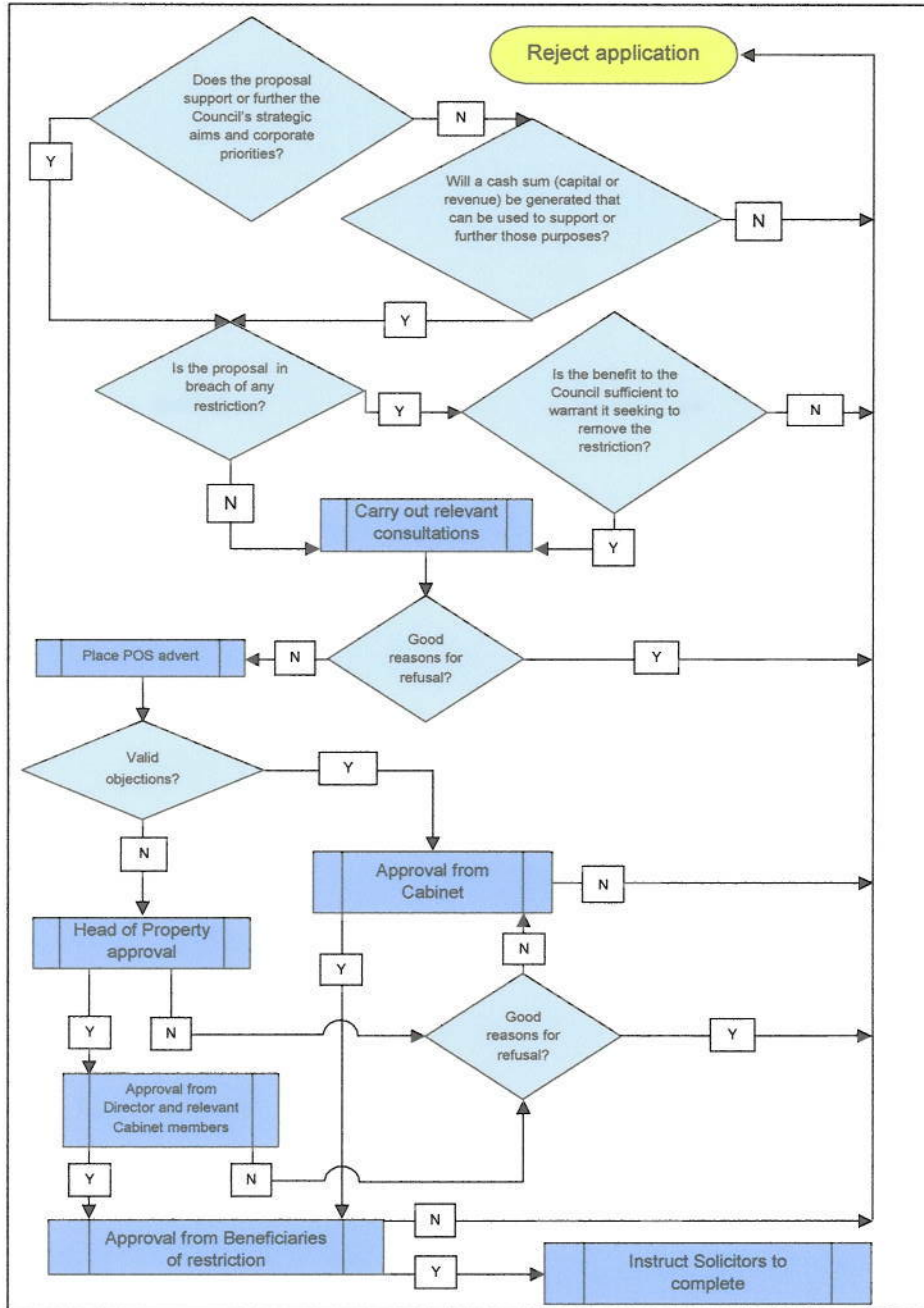
Annexe 1

SUMMARY DECISION CHART FOR ASSETS HELD ON CHARITABLE TRUSTS



Annexe 2

FLOWCHART FOR RESTRICTIONS OTHER THAN CHARITABLE TRUSTS



Flowchart for the process of the business plan



FOOTBALL ASSOCIATION OF WALES

TIER 2 GROUND CRITERIA REGULATIONS



Contents

	Page
1. <u>Introduction</u>	7
2. <u>Procedure</u>	8
3. <u>Governing Body</u>	10
4. <u>Applicant</u>	13
5. <u>Infrastructure Criteria</u>	18
6. <u>Appendices</u>	21

Glossary of Terms

Note – Definitions are also contained in the FAW’s “Articles of Association”, “Standing Orders” and “Regulations” (including, without limitation, the Regulations for the Pyramid League System) and cross-references are noted where appropriate.

	<u>DEFINITION</u>
Applicant	The Club applying to the FAW for assessment against the Tier 2 Ground Criteria Regulations.
Chief Executive Officer	The senior employee of the FAW.
Core Process	Minimum requirements that the FAW has to put in place for verification of compliance with the criteria described in the Regulations as basis for the issuance of Tier 2 Certification to an Applicant.
Council	The supreme executive body of the FAW.
Club	Any club playing at Tier 2 of the FAW Pyramid and any club seeking promotion to Tier 2.
Club Licensing Appeals Body	The appeals board appointed by the FAW to deal with an appeal by an Applicant or the FAW against a decision of the First Instance Body.
Deadline for Submissions	The date by which the Applicants must submit to the FAW, all documents and evidence in support of their Application for Tier 2 Certification.
Decision Making Bodies	The First Instance Body and the Club Licensing Appeals Body.
FAW	The Football Association of Wales Limited.
FAW National Game Board	The FAW committee of the Council responsible for Tier 1-4 of the FAW Pyramid.
First Instance Body	The board appointed by the FAW to assess Applicants and decide whether or not to grant the Applicant Tier 2 Certification.
Ground	Means the venue where the Applicant will play its home matches in domestic competitions including, but not limited to, all properties and facilities near to such stadium (for example offices, hospitality areas.)
Ground Criteria	The infrastructure criteria for the Ground set out or referred to in section 5 of these Regulations, as amended by the FAW from time to time.

May	Indicates a party's discretion to do something (i.e. optional, rather than mandatory).
Must or Shall	Indicates an obligation to do something (i.e. mandatory). Failure to meet the obligation will result in refusal to grant Tier 2 Certification.
Recommended	This is a best-practice recommendation and therefore, not Tier 2 Certification failure.
Significant Change	Means an event that is considered material to the documentation previously submitted to the FAW and that would require a different presentation if it had occurred prior to the submission of the documentation.
[Subsequent Events	Events or conditions occurring after the grant of Tier 2 Certification.
Tier 2	The second Tier of the FAW Pyramid, being the Huws Gray Alliance League and the Welsh Football League Division 1.
Tier 2 Certification	The certification granted by a Decision Making Body for the Applicant to play in Tier 2 of the FAW Pyramid.
Toolkit	A resource produced by the FAW, which contains all relevant templates and helpful documents to assist Clubs in meeting the Ground Criteria.
[]	

1. Introduction

1.1 Tier 2 Ground Criteria Regulations

The Tier 2 Ground Criteria Regulations set out quality standards and procedures by which Clubs will be assessed as a basis for continuous Ground improvement. It is a modern form of regulation.

The objective of a uniform Tier 2 criteria was first published in the FAW's Strategic Plan of 2012. The formation of the new National Game Board in September 2014 became the catalyst for the introduction these Regulations. Following a series of taskforce meetings and ground audits, the first version of the Tier 2 Regulations was written.

The National Game Board approved that version in its meeting on 13th April 2015, which was ratified by FAW Council on 29th April 2015 and updated to this version of the Regulations on 14th February 2017, which was ratified by Council on [] 2017.

From and including the start of season 2018/19, no Club shall be eligible to play in a Tier 2 league unless they hold Tier 2 Certification.

1.2 Benefits of Tier 2 Ground Criteria Regulations

The FAW sets the standards for Tier 2 Ground Criteria Regulations. By meeting these standards, football as a whole is acknowledging its responsibility to the community at large. The auditing of these Regulations are a transparent process that enables Clubs in particular to demonstrate to all their stakeholders that they meet quality standards for their Ground.

These Regulations will help to establish benchmarking information. Clubs will be able to use this information to establish their position and to plan future quality improvement.

FAW resources will be focused on assisting Clubs to meet their standards. Football will benefit from the adoption of quality management practices by the FAW.

2. Procedure

2.1 The Management of the System

The Tier 2 Ground Criteria Regulations will be managed by the FAW for Tier 2 Clubs. The system will comprise of audits conducted by the FAW and assessment by the Decision Making Bodies.

In order to demonstrate that it meets the Ground Criteria, a Club will make available, a series of Club reports and supporting documents at the audit that will be conducted at a pre-agreed time with the Club at its Ground. An action plan will be provided by the FAW, which will outline whether the Club currently meets the Ground Criteria.

In considering a Club's application, no Club will be permitted to make changes or further developments to their Ground, nor submit any additional information, following the April 30th deadline.

Those Clubs that meet all of the mandatory 'A' Ground Criteria standards will be issued with Tier 2 Certification. Those Clubs that have not fulfilled the minimum mandatory 'A' Ground Criteria will not be granted Tier 2 Certification.

The Deadline for the submission is 30th April annually.

The list of Tier 2 Certified Clubs must be communicated by the FAW to the Leagues' concerned by 31st May. This must be strictly adhered to annually, before the relevant League's annual general meeting.

2.2 Tier 2 Ground Criteria Certification Refusal

Tier 2 Certification is mandatory for participation at Tier 2.

If a Club is refused Tier 2 Certification by the First Instance Body, the following procedure will apply:-

April A Club refused Tier 2 Certification must submit any appeal to the Licensing Manager of the FAW within 10 days of being informed of the First Instance Body's decision. Appeals must be forwarded in writing by recorded delivery mail for the attention of the Licensing Manager of the FAW together with the appropriate Appeal Fee. The Club Licensing Appeals Body is notified and a meeting date agreed.

April The Licensing Manager of the FAW prepares a report and dispatches this to the Club Licensing Appeals Body.

April/May The Club Licensing Appeals Body considers the Applicant's appeal by 31st May each year. The decision is made whether to grant Tier 2 Certification or not. If Tier 2 Certification is granted, any area for future attention may be detailed. If Tier 2 Certification is refused, areas to be addressed must be detailed.

2.3 Criteria Graduation

The Ground Criteria described in these Regulations are graded into two separate categories. The different grades have been defined as follows:

'A' Criteria – Mandatory

If the Applicant does not fulfil any A-Criteria, then it cannot be granted Tier 2 Certification unless the Decision Making Body grants an exemption (time limited to one season only) under 4.4 of these Regulations.

'B' Criteria – Recommendation

If the Applicant does not fulfil any B-Criteria, then it will still receive Tier 2 Certification.

2.4 Development

This is a progressive system designed to deliver continuous improvement. Improvements will be introduced as the system develops. The National Game Board has the authority to review criteria and these recommendations will be referred to Council for approval following a consultation process with various bodies including the relevant Leagues and its Clubs. The development process will incorporate reasonable timescales and the Regulations will be reviewed at least every two years.

3. Governing Body

3.1 Responsibilities

1. The Football Association of Wales governs the Tier 2 Ground Criteria system.
2. In particular, the FAW must:
 - a) Establish an appropriate administration as defined in 3.2.
 - b) Establish a process for the decision-making as defined in 3.3.
 - c) Define the core process as defined in 3.5.
 - d) Assess the documentation submitted by the Clubs, consider whether this is appropriate and determine whether each criterion has been met and what further information, if any, is needed.
 - e) Ensure equal treatment of all Applicants and guarantee the Clubs full confidentiality with regard to all information provided during the process as defined in 3.6.
 - f) Determine whether Tier 2 Certification can be granted.

3.2 Administration

1. The administrative tasks of the FAW include:
 - a) Preparing, implementing and further developing the Tier 2 Ground Criteria system;
 - b) Providing administrative support to the Decision Making Bodies;
 - c) Assisting, advising and monitoring Applicants during the season; and
 - d) Informing the National Game Board of any event occurring after the Decision Making Bodies have made their decisions that constitutes a Significant Change to the information previously submitted.

3.3 Process for decision-making

1. Each Decision Making Body must be independent of the other.
2. The First Instance Body decides on whether Tier 2 Certification should be granted to an Applicant on the basis of the documents provided by the submission deadline set by the FAW and on whether Tier 2 Certification should be withdrawn.

3. The Club Licensing Appeals Body decides on appeals submitted in writing and makes the final decision on whether a Tier 2 Certification should be granted or withdrawn.
4. Appeals may only be lodged by:
 - a) An Applicant who received a refusal from the First Instance Body;
 - b) An Applicant whose Tier 2 Certification has been withdrawn by the First Instance Body; or
 - c) The FAW.
5. The Club Licensing Appeals Body makes its decision based on the decision of the First Instance Body and all evidence provided by the Applicant or the FAW with its written request for appeal and by the set deadline.
6. Members of the Decision Making Bodies are appointed by the Chief Executive Officer and must:
 - a) Act impartially in the discharge of their duties;
 - b) Abstain if there is any doubt as to their independence from the Applicant or if there is a conflict of interest. In this connection, the independence of a member may not be guaranteed if he/she or any member of his/her family (spouse, child, parent or sibling) is a member, shareholder, business partner, sponsor or consultant of the Applicant;
 - c) Not act simultaneously as Licensing Manager of the FAW;
 - d) Not belong simultaneously to the Council or any of its affiliated leagues; and
 - e) Not belong simultaneously to the administrative staff of the FAW.
7. The quorum must be at least three members. In case of a tie, the Chairman has the casting vote.
8. The Decision Making Bodies must operate according to the following procedural rules:
 - a) all deadlines as specified in the annual Core Process must be respected;
 - b) the principle of equal treatment;
 - c) legal representation can provide evidence to the Decision Making Bodies on behalf of the Applicant;
 - d) the Applicant can provide evidence to the Decision Making Bodies;
 - e) meetings will be conducted in English;
 - f) extensions will not be permitted;
 - g) Applicants and the FAW will be given 10 days to lodge an appeal against the decision of the First Instance Body;
 - h) Applicants will be allowed to submit their appeal evidence until the deadline stipulated in the Core Process;
 - i) there is no cost to the Applicant for the First Instance Body;
 - j) the cost of the appeal is as per FAW Rule 43.2.3: and
 - k) the decision will be provided in writing to the Applicant with reasoning.

3.4 Sanctions

The breach or abuse of these Regulations (including, without limitation, submission or misleading or falsified documents or information by an Applicant) will be a Disciplinary Offence under the FAW Rules and Section E of the FAW Rules shall apply.

3.5 Core Process

1. The FAW defines the Core Process in Appendix I for the verification of the Ground Criteria and thus control the issuing of the Tier 2 Certification.
2. The Core Process starts on August 1st and ends on the submission of the list of decisions on May 31st each season.
3. The deadlines must be clearly defined at the beginning of the season and communicated to the Clubs concerned in a timely manner.

3.6 Equal Treatment and confidentiality

1. The FAW ensures equal treatment of all Applicants during the Core Process.
2. The FAW guarantees the Applicants full confidentiality with regard to all information submitted during the licensing process. Anyone involved in the licensing process or appointed by the FAW must sign a confidentiality agreement before assuming their tasks.

4. Applicant

4.1 Definition of the Applicant

1. An Applicant may only be a football club, i.e. a legal entity fully responsible for a football team participating in FAW competitions which either:
 - a. Is a registered member of the FAW and/or its affiliated league(s) (hereinafter: registered member); or
 - b. Has a contractual relationship with a registered member.

4.2 General responsibilities of the Applicant

1. The Applicant must provide the FAW with:
 - a) All necessary information and/or relevant documents to fully demonstrate that the obligations are fulfilled; and
 - b) Any other document relevant for decision-making.
2. This includes information on the reporting entity/entities in respect of which information is required to be provided to satisfy the Ground Criteria.
3. Any event occurring after the submission of the documentation to the FAW representing a Significant Change to the information previously submitted must be promptly notified to the FAW.

4.3 Certification

1. Clubs which qualify for Tier 2 on sporting merit from and including season 2018/19 onwards must obtain Tier 2 Certification.
2. Tier 2 Certification expires without prior notice at the end of the season for which it was issued.
3. Tier 2 Certification cannot be transferred.
4. Tier 2 Certification may be withdrawn by the FAW if:
 - a) Any of the conditions for the issuing of the Tier 2 Certification are no longer satisfied; or
 - b) The Club violates any of its obligations under the Tier 2 Ground Criteria Regulations.
5. As soon as a Tier 2 Certification withdrawal is envisaged, the FAW administration must notify the Chief Executive Officer.

4.4 Clubs outside of Tier 2

1. Clubs relegated from the Welsh Premier League on sporting merit or for failure to achieve the National Domestic Licence must meet the Ground Criteria of Tier 2 Certification, which will be assessed at the same time as its application for a National Domestic Licence.
2. Clubs seeking promotion into Tier 2 may, using the application process in accordance with Appendix II, seek extraordinary permission from the Decision Making Bodies to meet certain of the 'A' (Mandatory) Ground Criteria during the season immediately following the Club's promotion to Tier 2. The Decision Making Bodies May grant such permission but if granted such permission shall apply only for the said season.

5. Infrastructure Criteria

5.1 INTRODUCTION

Club Licensing infrastructure criteria has been a catalyst for the essential development at a number of Welsh Premier League grounds. The importance of a safe, comfortable and modern Ground, offering a pleasurable experience to the player, official, spectator and sponsor should mean that those individuals return time and time again.

Consequently, the development of infrastructure is of ultimate significance for the development of Tier 2 Clubs.

In considering a Club's application, no Club will be permitted to make changes or further developments to their Ground Criteria following the April 30th deadline.

If it is brought to the attention of the Football Association of Wales that the Ground falls below the minimum level required at any time during the season, an inspection must be carried out at the earliest opportunity.

5.2 OBJECTIVES

The objective of the Ground Criteria are that Applicants have an approved Ground available for playing Tier 2 league matches, which provides stakeholders with well equipped, well-appointed and safe and comfortable stadia.

5.3 BENEFITS FOR CLUBS

Clubs and Ground owners can develop strategies to upgrade its facilities in order to meet the relevant Ground Criteria. This approach allows the Ground owner in cooperation with the Club to clearly plan and invest in missing requirements, which nowadays are necessary to host people at attractive and entertaining events.

Therefore, each Club, together with the Ground owner and the local community, should try to provide a Ground that is attractive, safe and secure, easily accessible by car (including parking facilities) and/or public transport, has comfortable seats with a close view of the pitch, has clean hospitality and refreshment facilities, is equipped with hygienic and spacious toilets for both sexes and provides communication installations with public address systems.

The FAW shall inspect the Ground.

5.4 GROUND CRITERIA

Safety and Security

The Club shall prepare a report that will be inspected and verified on site at the audit and which shall refer to the Safety and Security of the Ground and shall provide detailed information on each of the sub-headings.

I.01 – Stadium Safety Risk Assessment and Evacuation Plan *(A criteria)*

1. The Applicant must provide a Stadium Safety Risk Assessment, which must include, but is not limited to the requirements of the document provided in Appendix III.
2. The Applicant must provide a Safety Policy, which must include all of the Criteria as listed in I.03 – ‘Public Access and Egress’.
3. The Applicant must have in place a Stadium Evacuation Plan, detailing all emergency exits, gates and routes to evacuate the Ground.
4. All documents submitted for the I.01 criteria must be signed by an authorised signatory of the Club, dated and be no older than two years old.

I.02 – Approved Capacity Level *(A criteria)*

1. The Applicant must have in place an approved capacity level, which is relevant and safe for all competitions. The minimum capacity for Tier 2 Clubs is 750.
2. The Applicant must have in place at least 250 covered seats, which are in compliance with criteria I.15.

I.03 – Public Access and Egress *(B criteria)*

It is Recommended that the Applicant ensures the following is provided in the Ground and the relevant documents provided for the audit:

1. At least two Turnstiles designed in such a way as to avoid congestion and ensure the smooth flow of the crowd.
2. All public passageways and stairways in the spectator areas should be painted in a bright colour, as must all gates leading from the spectator areas into the playing area and all exit doors and gates leading out of the Ground.
3. All exit doors and gates in the Ground, and all gates leading from the spectator areas into the playing area, should:
 - a) Be fitted with a locking device which may be operated simply and quickly by anyone from the inside in the case of exit doors and gates or from either side in the case of gates leading into the playing area;
 - b) Be designed to remain unlocked while spectators are in the Ground.

4. Approaches to the Ground should be adequately signposted to guide spectators to their sectors, and all turnstiles, entry and exit gates and doors should be operational and similarly clearly indicated by signs which are universally understood. Commercial signage and signage within Dressing Rooms must also be on display.
5. Club should submit a Policy stating the procedure for all Players, Officials and Spectators when entering the Ground. A policy must be in place if there is need for segregation.
6. The boundary wall/fence should be of sound solid construction, secure on all sides and designed to obscure viewing from outside the Ground. (Recommended height of boundary structure is 2 metres).
7. The Club must submit a Layout Plan detailing all facilities within the Ground (1:1000) and a Site Plan showing the Access Routes in to the Ground (1:1500)

I.04 – Public Address System

(A criteria)

1. The Ground must be equipped with a public address system.
2. The public address system should cover both the inside and outside of the Ground and be secured against failures of the main power supply.

Areas Relating to Players and Officials

The Club shall prepare a report that will be inspected at the audit and which shall refer to the field of play and shall provide detailed information on each of the sub-headings.

I.05 – Field of Play

(A criteria)

The field of play must be smooth and level.

1. The Ground must be equipped with either a natural playing surface or football turf.
2. Football turf must meet all of the following conditions:
 - a) It must have been granted the required FIFA licence in accordance with the FAW Regulations for synthetic pitches;
 - b) It must meet all the requirements of the national legislation in force;
 - c) Its surface must be green and marked with white lines.
3. The field of play must be equipped with a drainage system so that it cannot become unplayable due to flooding.
4. The field of play should be 105 metres long and 68 metres wide. If this is not possible due to Ground constraints, the minimum allowable is 98m long and 62 metres wide.
5. There must be a grass verge or alternatively artificial turf of the minimum width of 1.5 metres between the touch line and the perimeter barrier. It is Recommended that this distance is 3 metres.
6. Barriers or emergency gates must surround the perimeter of the pitch.

I.06 – Warm-Up Area

(A criteria)

A warm-up area for substitutes must be available along the touchlines, behind the advertising boards behind the goal or on a separate area.

I.07 – Goals and Spare Goals

(A / B criteria)

1. Goalposts and crossbars must be made out of aluminium or similar material and must be round or elliptical. Moreover, they must be in compliance with the Laws of the Game as promulgated by the International Football Association Board (IFAB), which means, in particular, that:
 - a) the distance between the posts must be 7.32m;
 - b) the distance from the lower edge of the crossbar to the ground must be 2.44m;
 - c) the goalposts and crossbars must be white;
 - d) they must not pose any danger to players. **(A criteria)**
2. A spare goal, which can be easily installed if the circumstances so require, should be available within the Ground for League matches. **(B criteria)**

I.08 – Substitutes' benches

(A criteria)

- a) The Ground must be equipped with two covered benches at pitch level, each with seating room for at least 8 people and positioned either side of the Halfway Line. The two benches must be on the same side as each other.
- b) Any developments to the Substitutes benches, following the first inspection, must increase the capacity to 13 people.

I.09 – Dressing Rooms

(A criteria)

- 1 The Ground must be equipped with:
 - a) A dressing-room for each team with a minimum of four showers, seating room for at least 18 people and exclusive use, with private access to one individual seated toilet.
 - b) A referees' dressing-room with a minimum of one shower, access to one exclusive individual seated toilet and seating room for three people.
- 2 A Ground must guarantee a safe walkway for both teams and the referees from their dressing-rooms to the playing area and ensure their safe arrival at/departure from the Ground.

I.10 – Match Day Office

(B criteria)

The Ground should be equipped with a match-day office with access to communication facilities such as phone and internet connection, located nearby and with easy access to the team and referees' dressing rooms.

I.11 – First Aid & treatment facilities (Players & Officials) **(B criteria)**

The Ground should be equipped with a dedicated room for first aid and medical treatment of players and officials. The minimum equipment required is stated in Appendix IV.

I.12 – Floodlighting **(B criteria)**

1. The Ground must be equipped with floodlight installations.
2. The Ground floodlight lux levels must be in compliance with the following:
 - a) Achieve 250 lux when tested by an independent organisation.
 - b) Clubs will have to provide a report stating the lux value, which must be no more than three years old, attaining a minimum of 250 lux.
 - c) If the floodlights fall below 150 lux, they must be upgraded to 250 lux.
3. The FAW may at any time, request a 96-point lighting test to determine the current lux levels of the floodlights.

I.13 – Parking Areas **(A criteria)**

1. Parking space for a minimum of one bus and ten cars must be made available for the teams and officials.
2. This parking space must be located in a safe and secure area in the immediate vicinity of the players' and officials' area.
3. In addition there should be a minimum of 10 parking spaces available for VIP's in a safe and secure area.

I.14 – Refreshment Facilities **(A criteria)**

1. Clubs must provide Players and Match Officials with food and drink after the game. (A Criteria)

Spectator-Related Areas

The Club shall prepare a report that will be inspected at the audit and which shall refer to the Club's procedures and practices with regard to spectators at its games.

1.15 – Stands and Spectator Facilities (A criteria)

1. Seats for spectators must be individual, fixed (e.g. to the floor), separated from one another, shaped, made of an unbreakable and non-flammable material and have a backrest of a minimum height of 30 cm when measured from the seat.
2. The use of temporary stands is prohibited.
3. The Ground must be equipped with Refreshment and Catering facilities for all spectators in every sector of the Ground.
4. Bench seating of any description is prohibited.

1.16 – Hardstanding (A/ B criteria)

1. There must be hardstanding surrounding one length and one width of the field of play, comprising of concrete, paving stones or tarmac. *(A Criteria)*
2. All mandatory Spectator Areas as defined in I.15 – I. must be accessed by hardstanding. *(A Criteria)*
3. Hardstanding of a temporary nature will not be approved under any circumstances. Where the Ground is part of a larger sports complex, the football area must be totally enclosed from all other activities. *(A Criteria)*
4. It is Recommended that it is possible for spectators to be accommodated, either standing or seated, for the full length of all four sides of the playing area, except where permission has been granted by the League for one of the sides or part thereof, to be closed by Spectators. *(B Criteria)*
5. It is Recommended that hardstanding surrounds the whole of the field of play, comprising of concrete, paving stones or tarmac. Hardstanding of a temporary nature will not be approved under any circumstances. Where the Ground is part of a larger sports complex, the football area must be totally enclosed from all other activities. *(B Criteria)*
6. It should be possible, if whenever, necessary to prevent spectators from moving from one sector or sub-sector to another, except as part of the Ground's evacuation process. *(B Criteria)*

1.17 – Visiting Supporters (A criteria)

1. At least 5% of the total Ground capacity must be available exclusively for visiting supporters, and where necessary, in a segregated area of the Ground.
2. Segregation requirements at specific matches shall be decided by the FAW in liaison with the local authorities concerned.

I.18 – Emergency Lighting

(A criteria)

1. For the purpose of ensuring safety and guiding spectators and staff, the Ground must be equipped with an emergency lighting system, for use in the event of a general Ground lighting failure.
2. Emergency lighting must be available on at least one side of the field of play to which the public or staff have access, including all egress and evacuation routes.
3. If Emergency lighting is only available on one side of the Ground, only this side of the Ground is permitted to be open at an evening match. This must be reflected in the document used to satisfy I.01 criteria.

I.19 – Sanitary Facilities

(A/ B criteria)

1. Sufficient clean and hygienic sanitary facilities must be distributed evenly throughout all sectors of the Ground for male and females spectators. Toilets and urinals must be equipped with flushers. Sinks and amenities such as toilet paper and soap must be available. *(A Criteria)*.
2. The Recommended requirement for sanitary facilities are the following, based on an 80:20 ratio of male and female: *(B Criteria)*

Based on 750 Capacity as per Regulation I.02

- | | |
|------------------------------------|-----|
| a) 1 seated toilet per 250 males | (3) |
| b) 1 urinal per 125 males; | (5) |
| c) 1 seated toilet per 125 females | (2) |

I.20 – First Aid for Spectators

(A criteria)

1. Clubs must have the services of at least one fully qualified First Aid Officer at each home match.
2. The First Aid Officer must produce a valid certificate confirming at least six hours of training.

I.21 – Facilities for spectators with disabilities

(A/ B criteria)

1. Clubs, in consultation with a local disability group (or Level Playing Field for example) must have undertaken a review of its own procedures with regard to the level of service it provides for spectators with disabilities. *(A Criteria)*
2. The Ground should have dedicated access and seats for spectators with disabilities and their helpers. *(B criteria)*
3. In addition, persons with disabilities should have dedicated sanitary facilities as well as refreshment and catering facilities nearby.
4. One disabled toilet should be available for every 15 wheelchair users.

I.22 – Ground Regulations

(A criteria)

1. The Club must arrange to have its Ground Regulations fixed in suitable areas of the Ground in such a way that the spectators can read them.
2. Ground Regulations should at least provide information on; Admission rights, abandonment and postponement of events, a description of prohibitions and penalties such as entering the field of play, throwing objects, use of foul and abusive language, racist behaviour, restrictions with regard to alcohol, fireworks, flares, banners, seating rules and causes for ejection from the Ground.
3. Where tickets are issued, the Ground Regulations should be clearly detailed on the ticket.

I.23 – VIP Hospitality Areas

(A criteria)

1. A Ground must identify at least 10 VIP seats, which includes five for the visiting team officials.
2. A hospitality area must be provided for VIP's and for the visiting team officials.

Media Related Areas

The Club shall prepare a report that will be inspected at the audit and which shall refer to the Club's procedures and practices with regard to representatives of the media at its games. The report shall provide detailed information on each of the sub-headings.

I.24 – Media Working Area

(B criteria)

1. At least one room equipped with desks, power supply and phone/internet connections should be provided for media representatives.

I.25 – Press Box

(B criteria)

1. The press box should be covered and centrally located in the main grandstand. They should have an unobstructed view of the entire playing area and easy access to the other media areas.
2. In the press box, all seats with desks should be equipped with a power supply and phone or internet connections.
3. The desks should be big enough to accommodate a laptop computer and a notepad.
4. There should be 20 covered seats, 5 of which should be equipped with desks.

I.26 – Television Gantry

(B criteria)

1. A television gantry should be provided to meet the broadcaster's requirements.

I.27 – Radio Commentary positions

(B criteria)

1. One covered radio position should be identified.
2. Each identified commentary position must have at least three seats.

I.28 – Post Match Interview Area

(B criteria)

1. The Ground must provide a dedicated post-match interview area, with relevant backboard. The location must be as close as possible to the dressing room area and the facility must be approved by the host broadcaster.

I.29 – OB Van Parking Area

(B criteria)

1. The Ground should have hardstanding parking facilities to accommodate the host broadcaster OB Unit in the immediate vicinity. The surface dimension of the area must be at least 100m².

FOOTBALL ASSOCIATION OF WALES CONTACTS

The Association's point of contact is -

Mr. Steve Jones
Licensing Manager
0292 20435 859 (T)
02920 496 953 (F)
sjones@faw.co.uk

Alternative contact and Head of Department;

Mr. Andrew Howard
Head of Competitions
0292 20435 847 (T)
02920 496 953 (F)
ahoward@faw.co.uk

The Football Association of Wales, 11/12 Neptune Court, Vanguard Way, Cardiff. CF24 5PJ.

FAW representatives involved are subject to confidentiality and independence agreements.



CABINET – 29TH MAY 2019

SUBJECT: REGENERATION BOARD – PROJECT PROPOSALS

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To recommended the second tranche of priority schemes for Regeneration Project Board Development Funding to Cabinet.

2. SUMMARY

- 2.1 At its meeting on 30th May 2018, Cabinet agreed that a Regeneration Project Board would be set up with a cross party political representation of Councillors plus key officers. This group is supported by a Regeneration Assessment Panel consisting of officers from a range of service areas.
- 2.2 Since its initial meeting on the 3rd October 2018, The Regeneration Assessment Panel has met to consider the first suite of seven projects which have been identified by the Board to move to Assessment Stage. The first tranche of these projects (four in number) were approved at Cabinet on 13th February 2019.
- 2.4 This report seeks agreement for the second tranche (remaining three projects) identified by the Regeneration Project Board and assessed by the Assessment Panel to be endorsed and funded through the Regeneration Board Project Development Fund.

3. RECOMMENDATIONS

- 3.1 That Cabinet:
- i) Endorse the progress of the Tranche 2 Projects
 - ii) Agree that £75,000 of the Regeneration Board remaining Project Development Fund of £1.21m be allocated to the Tranche 2 Priority schemes identified by the Regeneration Project Board.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To progress feasibility works in respect of those priority regeneration schemes identified by the Regeneration Project Board.

5. THE REPORT

- 5.1 On the 30th May 2018, Cabinet agreed that a Regeneration Project Board (Board) be set up. The Terms of Reference of the Board were approved by Cabinet at the same meeting.

- 5.2 At the subsequent June 2018 Board meeting a Project Prioritisation Toolkit was approved for the Board to prioritise projects and this was subsequently agreed by Council on 17th July 2018. An Assessment Panel has been set up to assess each of the projects using this toolkit. The Assessment Panel is an internal officer panel from a wide range of service areas set up specifically to assess strategic regeneration schemes.
- 5.3 The Assessment Panel met several times during December 2018 and January 2019 to assess the projects progressed to assessment stage by the Board at their Meeting on 23rd October 2018. The projects are as follows:
- T1 Ystrad Mynach Park & Ride;
 - T5 Llanbradach Park & Ride;
 - T6 Caerphilly Interchange;
 - Gen 19 Oakdale Business Park;
 - Gen22 Cwmcarn Forest Drive;
 - Gen23 Park Lane, Caerphilly;
 - Gen24 Pentrebane Street, Caerphilly.
- 5.4 Further to assessment of projects in December 2018 and January 2019, an initial tranche (Tranche 1) of priority schemes was recommended to Cabinet on 13th February 2019 for Development Funding as follows:
- T5 Llanbradach Park & Ride;
 - T6 Caerphilly Interchange;
 - Gen 19 Oakdale Business Park;
 - Gen23 Park Lane, Caerphilly;
- 5.5 Since that date additional funding has been secured to enhance and supplement the Regeneration Board Project Development Fund. Cabinet on the 30th January 2019 determined to release £1.2m of reserves for Regeneration Board Projects.
- 5.6 The remaining priority projects (Tranche 2) have now been assessed by the Assessment Panel and are being presented to Cabinet for endorsement and funding (where required) from the Regeneration Board Development Fund as follows:
- T1 Ystrad Mynach P& R
 - Gen22 Cwmcarn Forest Drive
 - Gen24 Pentrebane Street Redevelopment
- 5.7 Details of each project is set out below. More detailed information is given in Appendix 1.

T1 Ystrad Mynach Park & Ride

Total Project Cost Estimate (£): Unknown.

Request for funding from Regeneration Board Project Development Fund (£): £0

- 5.8 This bid seeks CCBC Project Board endorsement only; it does not require a capital contribution at this stage. There is an opportunity to provide an additional 113 car parking spaces and facilities to encourage active travel at Ystrad Mynach railway station. The scheme is identified in the Local Transport Plan. Financial support is not required from the Programme Board at present as detailed design work is to be financed through the Local Transport Fund, should it's 2019/20 grant bid be successful. There may be additional calls on the Development Fund as this project

progresses, but it is hoped that Transport for Wales will fund the actual physical works even though no formal funding route has yet been established.

Gen22 Cwmcarn Forest Drive, Risca

Total Project Cost estimate (£): Unknown.

Request for funding from Regeneration Board Project Development Fund (£): £75,000

- 5.9 £1m is being invested in the Council owned attraction up to 2020 to improve the visitor experience. In order to continue the momentum and develop Cwmcarn into the strongest outdoor visitor attraction in South East Wales, it is proposed that a business plan is now developed which will identify the primary visitor focused objectives for Cwmcarn venue and will investigate the type of new attractions and possible private investment opportunities that could add value to the visitor offer. £75,000 has been requested for the preparation of this business plan.

Gen 24 Pentrebane Street Redevelopment

Total Project Cost estimate (£): £6.8m.

Request for funding from Regeneration Board Project Development Fund (£): £0

- 5.10 This is a joint project with Linc Housing Association. This bid seeks CCBC Project Board endorsement only, it does not require a capital contribution at this stage. The overall project costs are circa £6.8m which will be funded from Linc Housing Associations own finance, WG Social Housing Grant and Targeted Regeneration Investment monies. Working in partnership with the Council, Linc HA have developed a feasibility study for a scheme that will re-invigorate this part of the town centre. The project would see:
- the demolition of the large three storey building that dominates the southern side of the street,
 - the redevelopment of the site for up to 60 units of affordable/market housing,
 - the ground floor accommodating large flexible commercial space to support new businesses along with several work shed units for companies to grow into.
- 5.11 As the scheme progresses there may be a requirement to call on the Development Fund.
- 5.12 If Cabinet approve these projects, this will result in a pipeline of seven prioritised projects that will be the focus of the Council's initial regeneration priorities in the short to medium term. The pipeline of projects will continue to be reported to Cabinet on a six monthly basis and be updated accordingly as schemes progress.

Conclusion

- 5.13 This report is being presented to Cabinet to seek approval for funding or endorsement to progress feasibility works in respect of Tranche 2 priority regeneration schemes identified by the Regeneration Project Board.

6. ASSUMPTIONS

- 6.1 This report assumes that Tranche 2 projects, once supported by Cabinet, will be developed to a stage where they are robust enough to bid for external funding.

7. LINKS TO RELEVANT COUNCIL POLICIES

Corporate Plan 2018-2023.

- 7.1 The report recommendations contributes towards or impacts predominantly on the following Corporate Well-being Objectives:

Objective 2 - Enabling employment.

Objective 3 - Addressing the availability, condition and sustainability of homes throughout the county borough.

Objective 4 - Promote a modern, integrated and sustainable transport system.

Objective 5 - Creating a county borough that supports a healthy lifestyle.

Objective 6 - Support citizens to remain independent and improve their well-being.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 The work of the Regeneration Board will contribute towards significant levels of community regeneration and infrastructure development which will help to create an environment that we all want to live in, now and in the future. This report therefore potentially contributes to all seven wellbeing goals:

- A globally responsible Wales
- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

- 8.2 The report recommendations are consistent with the five ways of working as defined within the sustainable development principle in the Act. The five ways of working of the sustainable development principle, listed in the Act are:

- Long Term – The importance of balancing short-term needs with the need to safeguard the ability of future generations to meet their long-term needs
- Prevention - How acting to prevent problems occurring, or getting worse, may help public bodies meet their objectives.
- Integration – Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies
- Collaboration – Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives
- Involvement – The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no specific equalities implications associated with this report for any specific groups or individuals therefore a full equalities impact assessment has not been carried out.

10. FINANCIAL IMPLICATIONS

- 10.1 An overall project development fund of £1.5m has been approved and will allow a project team of officers to develop projects ready for implementation once funding becomes available.
- 10.2 The Tranche 1 projects that have been approved have been allocated £290,000 of the £1.5m Development Fund, leaving plentiful resources (£1.21m) to fund Tranche 2 projects.
- 10.3 Tranche 2 projects request £75,000 in total. This would leave an active development fund of £1.135m.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no direct personnel implications associated with this report.

12. CONSULTATIONS

- 12.1 All consultation responses are reflected in the report.

13. STATUTORY POWER

- 13.1 The Planning and Compulsory Purchase Act 2004.
Local Government Acts.

Author: Allan Dallimore, Regeneration Services Manager

Consultees: Cllr Sean Morgan, Cabinet Member for Economy, Infrastructure, Sustainability & Wellbeing of Future Generations Champion (Chair)
Mark S. Williams, Interim Corporate Director Communities
Stephen Harris, Interim Head of Business Improvement Services and Section 151 Officer
Rhian Kyte, Head of Regeneration and Planning
Marcus Lloyd, Head of Infrastructure
Robert Tranter, Head of Legal Services/Monitoring Officer
Cllr Elsbury – St Martins Ward
Cllr Fussell – St Martins Ward
Cllr Kent – St Martins Ward
Cllr Whitcombe – Abercarn Ward
Cllr Preece – Abercarn Ward
Cllr Angel – Ystrad Myncah Ward
Cllr James – Ystrad Mynach Ward

Appendices:

Appendix 1: RPB Assessment Panel – Project Information Forms for the Tranche 2 projects

T1: Ystrad Mynach P&R

RPB ASESMENT PANEL – PROJECT INFORMATION FORM (PIF)

PROJECT NAME: Ystrad Mynach Park and Ride Expansion

SECTION/TEAM SUBMITTING PROJECT: Head of Infrastructure

LOCATION AND WARD: Ystrad Mynach town, Ystrad Mynach Ward

DESCRIPTION:

There is an opportunity to provide an additional 113 car parking spaces and facilities to encourage active travel at Ystrad Mynach railway station. The scheme is identified in the Local Transport Plan and the emerging Ystrad Mynach Masterplan and has Cabinet approval. Land required to progress the scheme is either in CCBC or TFW ownership. The P&R facility will be built on TFW land whilst an access road to serve it will be constructed on the edge of land currently utilised by local primary schools as a recreational area.

The existing P&R is over subscribed and as a consequence the surrounding streets often experience overflow parking. The expansion of the current park and ride will alleviate this pressure and bring additional benefits to the station and the town. The town is strategically located in the Rhymney Valley and has in recent years attracted significant investment from both the public and private sector. The improved connectivity delivered through this project will have a positive effect on the ongoing development of Ystrad Mynach which has recently been identified by WG as a key economic corridor. Pressure on the current facilities has been projected to increase so it is essential to try to cater for this demand.

The availability of an accessible public transport network is critical to service the area and the expansion of a P&R at this location would remove traffic and reduce congestion on the strategic highway network serving Cardiff.

Initial design work has been undertaken by Network Rail/Transport for Wales. A bid has been made to the Local Transport Fund for detailed design and feasibility to be conducted to enable the Council to discuss with WG's TFW the best way to deliver this scheme financially.

Overall benefits of the scheme include:

- Increasing levels of public transport use
- Cater for existing and future demand for P& R facilities
- Reducing car usage on heavily congested networks
- Improve modal interchange
- Create employment opportunities by improving connectivity to a larger catchment
- Allowing people alternative means of accessing leisure, cultural, employment and training opportunities
- Linking up with the active travel network of routes being introduced within the county borough.

Programme timeframe of 2023 is achievable for full implementation. If the local transport fund bid is successful, detailed design work could start shortly.

Financial support is not required from the Programme Board at present. Detailed design work will be covered off from other sources. It is hoped that TFW will fund the actual works but this has not yet been agreed.

STRATEGIC FIT (SF) ASESMENT (R A G):

R A G Status
51.3%

Notes:

TOTAL PROJECT COST ESTIMATE (£):Financial support is not required from the Programme Board at present.

Detailed design work is to be financed through a Local Transport Fund application. It is hoped that TFW will fund the actual physical works but no formal funding route has yet been established.

DELIVERABILITY ASESMENT (R A G):

R A G Status
70%

Notes:

CCBC REGENERATION BOARD RECOMMENDATION: APPROVAL

CHAIR'S SIGNATURE

The provision of an extended, strategic park and ride facility at Ystrad Mynach will help to absorb the excess park and ride demand and also cater for latent and future demand at this busy station. It will encourage greater use of the rail service on the Rhymney Valley line for those in the Mid Valleys area and offer a more accessible rail network that will enable car users to switch to rail for their everyday journeys. The proposed scheme will increase levels of public transport use, reduce levels of car use particularly on the road network to Cardiff and will also improve modal interchange by providing a new strategic park and ride facility.

The scheme has the backing of both CCBC and TFW and is identified as a core project in the emerging Ystrad Mynach master plan.

The proposals contribute to the following themes within the CCBC Regeneration Strategy:

- Supporting people
- Supporting Business
- Supporting Quality of Life
- Connecting People and Places

DATE: 30th January 2019

Gen22: Cwmcarn Forest

RPB ASESMENT PANEL – PROJECT INFORMATION FORM (PIF)

PROJECT NAME: Rediscovering Cwmcarn Forest

SECTION/TEAM SUBMITTING PROJECT: Head of Regeneration and Planning

LOCATION AND WARD: Cwmcarn , Crosskeys Ward.

DESCRIPTION:

This project is aimed at continuing the momentum at Cwmcarn Forest.

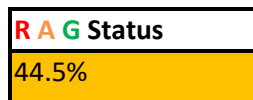
£1m is being invested in the Council owned attraction up until 2020. This consists of:

- Accommodation offer will be improved with new chalet style cabins being introduced .
- Cwmcarn lakeside enhancements
- Improved car parking
- A new Adventure Hub
- Cross Country Cycle Route
- New family cycle route
- More walking routes introduced
- Better entrance/arrival

There is also an opportunity for the Council to take over management of the scenic drive. Discussions with NRW have been positive and they could invest upwards of £2m on opening the drive up to motor vehicles and dealing with fire damage on the hillside.

In order to continue the momentum and turn Cwmcarn into the strongest outdoor visitor attraction in South East Wales, it is proposed that a business plan is now developed which identifies the primary visitor focused objectives for Cwmcarn venue and investigates new attractions and possible private investment opportunities that could add value to the visitor offer.

STRATEGIC FIT (SF) ASESMENT (R A G):



Notes:

TOTAL PROJECT COST ESTIMATE (£):£75,000 requested to develop a business plan to identify opportunities to build on the current investment in the venue

DELIVERABILITY ASESMENT (R A G):



Notes:

CCBC REGENERATION BOARD RECOMMENDATION: APPROVAL

There is a new focus on making Council owned attractions more commercially viable. The current investment in the venue will help towards the goal. However there are huge opportunities for growing the visitor offer further with the introduction of new attractions and taking control of the scenic drive.

Funding a business plan commission would help to establish the best ways to effectively “sweat “ this Council owned/controlled asset so that it becomes a profitable operation and draws visitors in from a much wider catchment.

Developing Cwmcarn into a regionally significant tourist attraction will help to stimulate the local economy and allow local businesses to prosper.

The proposals contribute to the following themes within the CCBC Regeneration Strategy:

- Supporting people
- Supporting business
- Supporting Quality of Life

DATE: 25th February 2019

CHAIR'S SIGNATURE

Gen 24: Pentrebane Street Redevelopment

RPB ASSESSMENT PANEL – PROJECT INFORMATION FORM (PIF)

PROJECT NAME: Pentrebane Street Redevelopment

SECTION/TEAM SUBMITTING PROJECT: Head of Regeneration and Planning

LOCATION AND WARD: Caerphilly Town Centre, St Martins ward.

DESCRIPTION:

Pentrebane Street in Caerphilly runs directly off the main retail street in the town centre yet suffers from under occupation within the ground floor retail units. The building stock on the south side of the street houses some disparate uses and the upper floor remain empty. The block houses a disused nightclub and a double height market hall which houses only 10 to 15 small stall holders. Small interventions to improve the health of the street have had little impact and it is now showing real signs of deterioration, particularly the building fabric.

LINC housing association is taking the lead on this project. Working in partnership with the Council

they have undertaken exhaustive investigatory work to develop a feasibility study for a scheme that will re-invigorate this part of the town centre.

The project comprises the full demolition of the large three storey building that dominates the southern side of the street.

The redevelopment scheme will be built entirely within the existing building footprint and will consist of the following:

- Provision of upto 60 units of affordable/market healthy housing over 6 floors in a sustainable location
- Ground floor accommodate large flexible commercial space to support new businesses and possibly an events space to support the emerging night time economy.
- Several work shed units for companies to grow into
- Space for a café/A3 use
- The scheme will create apprenticeship opportunities and work experience placements via the build contract
- A community benefits fund will be established for local projects
- The scheme will adhere to green build principles – target carbon and energy efficiency in the build design

This bid seeks CCBC Project Board endorsement only – it does not require a capital contribution at this stage. The overall project costs are circa £6.8m which will be funded from Linc’s own finance, WG Social Housing Grant and Targeted Regeneration Investment monies.

If CCBC are required to instigate CPO powers to gain the freehold interest then there will be a cost associated with the legal costs associated with this process.

Overall benefits include:

- Beneficial use of brownfield site in the heart of the town centre
- Bolstering housing offer in town and therefore increase spend and overall use of the town
- Opportunity for local supply chains - both in construction and running of venue
- Bolstering and diversifying business offer in the town centre.
- Opportunities for local people to gain employment
- Act as a catalyst to further investment in hi tech economy
- Scheme will secure upto £6.8m of development

STRATEGIC FIT (SF) ASSESSMENT (R A G):

R A G Status
50.3%

Notes:

TOTAL PROJECT COST ESTIMATE (£): The whole scheme is currently priced at £6.8million. Monies will be secured from WG’s TRI programme, Social Housing Grant and Linc’s own private finance to fully fund the scheme.. No CCBC contribution is required unless CPO powers are required.

R A G Status

Notes:

CCBC REGENERATION BOARD RECOMMENDATION: APPROVAL

This project is identified as a strategic project in the recently adopted Caerphilly Basin Masterplan and is one of the key schemes identified for the regeneration of Caerphilly Town Centre. It will bolster the housing offer in the town centre and help enormously in diversifying and strengthening the town's business economy. Council support for the project will help towards bringing an underutilised town centre site into beneficial use and will help ensure up to £6.8m is invested in a quality housing/business development at Pentrebanne Street.

No CCBC financial input is required unless CCBC need to instigate CPO powers .

The proposals contribute to the following themes within the CCBC Regeneration Strategy:

- Supporting people
- Supporting business
- Supporting Quality of Life

DATE: 17th January 2019

CHAIR'S SIGNATURE

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