

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:

Responsible Officer:

Ed Alexander - Contract Manager - Parks

Subject:

Disposal of bowls pavilions and greens (Public Open Spaces) by way of 21-year leases to the three resident bowls clubs.

Decision taken:

To authorise officers to complete a 21-year lease to each of the three resident bowls clubs for the pavilions and bowling greens sited on Five Parks Trust Land.

Reasons for the decision:

Following the requirement for Parks to make substantial savings in 2010, bowls sites were identified as receiving a high level of subsidy which had to be addressed through a change in the arrangements at that time.

The subsequent discussions with clubs have resulted in an agreement to reduce subsidy but to still safeguard bowls sites in Bournemouth. This decision would support the Corporate Priority 'An improving environment', by 'Protecting Bournemouth's parks and natural open spaces' and 'An active community', by 'Helping to improve older peoples' quality of life'

Call-in and Urgency:

This decision is subject to the Council's normal call in procedures.

Background:

The Council had to make reductions in funding of non-statutory services following a cut in central government funding and Parks had to provide some of these savings. Parks therefore had to make substantial savings in 2010 following a reduction in budget while still trying, where possible, to balance value for money and provision of services.

At the Overview and Scrutiny Panel in April 2010, bowls sites were identified as receiving a high level of subsidy which needed to be reduced. The operational aspects of the bowls site maintenance at the time restricted the reorganisation of the Parks Operations Team into more efficient working groups. Officers and the Sports Champion Councillor met with all clubs and put forward two options for them to consider, each option was forecast to save around £275,000 from the Parks running costs.

Since 2010 negotiations have been held with the Bowls Clubs (the tenants) and their collective management body. This has resulted in a restructuring of the lease terms with responsibilities for certain repairs and maintenance transferring from the Council to the tenants. Previously the Council maintained and paid for the majority of work on the pavilions and all of the work relating to the greens including daily setting out. The tenants will now undertake and pay for, most of the work on the pavilions (excepting structural and some key replacement items where the cost is split with the Council). These changes started to be implemented from 2011 and made the required savings. This option has enabled these bowls sites to remain open for the benefit of the residents and visitors to the town. Negotiations have been ongoing to finalise some of the finer points and these are now complete.

This decision will allow officers to complete the process and enter into new and more appropriate leases with the resident clubs and to give them some stability in the future.

The sites covered by this decision notice are the bowls pavilions and greens at:

Kings Park
Meyrick Park
Seafield Gardens

A further report covers the seven sites not located on Trust land.

Options - and reasons for rejection:

- 1- Do nothing, continue to heavily subsidise bowls sites and cut other front line services or reduce staff numbers in other areas. This was rejected due to the pressure in delivering a wide range of services for example horticulture, trees, litter collection, grass cutting, patrols etc. while managing a £1.475m (30%) cut in the budget at that time.
- 2- Leave the arrangement in place prior to 2010, with the Council carrying out the greens maintenance and most of the pavilion works while collecting a small rent. However, to achieve the savings required at least 8 of the 16 greens would have had to be closed. This was rejected by the clubs as there was an alternative option.
- 3- Close all bowls sites. Rejected as this would have had a negative impact on the sport, the older residents of the Borough and on tourism as the sport brings in visiting clubs from across the country.

Consultations undertaken:

1. Officers have had on-going dialogue with each of the sites and through the Bournemouth Bowls Site Managers Association, the umbrella group on which each site has a representative. Clubs understood that the 'status quo' was unsustainable and the alternative was to close sites and therefore, agreed to the proposal.
2. The Council's Manager for Facilities (buildings) has been consulted and her points were included in the draft lease.
3. Councillors have been consulted at various stages in the process from the initial Scrutiny Panel that looked at savings within Parks through to an email prior to the public notices being advertised.
4. The Sports Champion was involved from early in the review and supports the decision.
5. The Disposal of Public Open Space was advertised in the Bournemouth Echo on the 31st January and 7th February 2014 with public comments to be received by the 14th February 2014. One councillor enquiry was received; this was asking for further clarification on a point. No feedback or comments were received from members of the public.
6. Property Services has reviewed the draft lease and 'consider the terms to be appropriate.'

Finance/Resource Implications:

The tenants will not pay any rent, but as detailed above they will take on additional repairing obligations and meet all utility costs. The changes (already implemented) have meant that Parks were able to reorganise its depots and staff time so that the target saving of around £275,000 from bowls was achieved. In addition, there have been some further savings from the Corporate building budget as Clubs have taken on some additional repairing obligations such as internal decorations and repairs.

As the land and assets are part of the Five Parks Trust (a registered charity), a qualified surveyor's report is required. This concluded that the proposal is best value for the Council taking into consideration the financial savings while still offering a facility for the public. J. Richardson OK with process & signed off 15/10/18

- Include comments of Chief Financial Officer

Name: ADAM RICHENS

Signature: (of Chief Finance Officer)

Date:

Marta Zulu 01.10.2018

Legal implications:

As the pavilions and greens form part of the Borough's Public Open Space it is necessary under Section 123 of the Local Government Act 1972 to advertise the proposed lease

disposals. Accordingly, an advertisement was placed in the local newspaper and on the Council's website. The responses are detailed in the consultation section above.

The Cabinet Member is also making the decision in his capacity as representing the Trustee under the constitution and is taking into account the relevant provisions relating to the management of Five Parks Trust land

Legal Services have drawn up the draft leases and will complete each lease.

- ~~Include comments of Monitoring Officer~~

Name: TAINYA COULTER

Date: 3.10.18

Signature: (of Monitoring Officer)

Risk assessment:

A risk assessment has been completed and shows that this is a high-risk project. This is due to the level of savings and length of lease.

The main risk would come from a club ceasing to operate and needing to hand back its lease during the 21-year period. If the any of the site was handed back during the term because the club folded, the Council would find an alternative use of economic advantage to the Council. This would cost less than maintaining/running the site during the term of the lease.

The overall sites will remain under the control of Parks throughout the term of the Lease, the clubs only having control of the pavilion and greens. The main risk would come from a club ceasing to operate and wants to hand back its lease during the 21-year period. Parks would review each site separately to decide on the best use of that site for the future if that were to happen.

Name: Ed Alexander

Date: 18 September 2017

Signature: (of Officer completing assessment)

Impact Assessments:

With there being no significant changes to public access or use compared with previous agreements, this change does allow for continuing access and therefore has a positive impact on maintaining Equality and Diversity compared to the other options of closing sites.

An EINA screening record for this decision has been completed. This details that as there are no changes to the way in which the clubs will operate, there will be only a equalities impact as it safeguards the facilities for the older residents.

An Environment Impact Assessment has also been a completed. This decision would therefore, benefit the environment because, a reduction in officer mileage would be seen as there will no longer be a requirement to attend the site daily.

Information for/not for publication:

- For publication

Background papers:

- Review of Bowls Sites in Bournemouth – final version 2010
- Outdoor Bowls Option 2
- Risk Assessment
- EINA
- Environmental Impact Assessment

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision Yes/No*	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer

* Delete as appropriate

Decision taken by:

CouncillorCllr R Lawton..... (Print name)

Cabinet Portfolio ...Housing.....

Signed:

Date of decision: 22.10.18

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

-insert date-

Equality Impact Needs Assessment (Due regard) Screening Record

1. Title of Policy/Service/Project	Disposal of bowls pavilions and greens (Public Open Spaces) by way of 21-year leases to the three resident bowls clubs. Meyrick, Seafield & Kings Park within the 5 parks.
2. Date of screening	28 th February 2018
3. Service Unit	Housing and Communities
4. Lead Responsible Officer	Ed Alexander
5. Job Title	Contract Manager – Parks
6. Members of the Assessment Team	Louisa Forrester

If the answers to the following questions are Yes or Don't know, then a full EINA will need to be carried out.

7. Does the policy/service/project affect service users, employees or the wider community? (This is not just about numbers. A potential to affect a small number of people in a significant way is as important as a potential to affect many people)	No - no change of use
8. Is it a major policy/service/project, with a significant affect on how functions are delivered?	No - no change of use
9. Will it have a significant effect on how other organisations operate?	No
10. Does it involve a significant commitment of resources?	No - reduces the commitment of resources
11. Does it relate to an area where there are known inequalities? (e.g. the gender pay gap, racist or homophobic bullying in schools etc)	Yes - but this decision supports the people of all age groups
12. Does it relate to a service that is currently underused by people it should reach?	No - no change of use

13. Does the policy/service/project relate to functions that previous consultation have identified as important to a particular group?	Yes - keeping the club open is important to its members
14. Do different groups have different needs or experiences in relation to the policy/service/ project ?	No
15. Is there likely to be a positive or negative impact in terms of equality?	Positive as it safeguards the sites the Council would have otherwise had to close

It is not necessary at the screening stage to identify adverse or differential impact

It is important to remember that even when it is decided that a policy/service/project does not require an EINA, it remains subject to the general duties. Not carrying out a full EINA places our council at greater risk of legal challenge because it cannot use the EINA process to meet our [Public Duties](#) around equality. It also means, more importantly, that opportunities may have been missed to enhance equality.

<p>16. If you have answered no to the questions above and do not intend to carry out an EINA, please explain why?</p> <p>This decision will not impact the use/status of the sites involved, in fact, it will help safeguard the sites and that they are available for use to those who currently enjoy and may wish to enjoy them in the future. Sites are spread across the borough making access for users easier.</p>

Issue: Disposal of bowls pavilions and greens (public open spaces) by way of 21-year leases to three resident bowls clubs. Meyrick, Seafield & Kings Park within the 5 Parks.

Meeting Date: 21st March 2018
 Accountable Manager: Ed Alexander, Contracts Manager - Parks
 Impact Assessor: Louisa Forrester

Key	
+	Balance of positive Impacts
?	Balanced or unclear impacts
-	Balance of negative impacts
n/a	Not applicable

Impact Criteria	Impact	Comments
Natural resources impact on use of natural resources - for example energy, water, raw materials	?	They will use water to maintain greens but theres increase on the use from previous position as there is no change of use.
Quality of environment contribution to safe and supportive environments for living, recreation and working	+	This decision maintains the green space for the use of recreation and provides community facilities and keeps residents of Bournemouth active.
Bio-diversity protects and improves wildlife and habitats	?	No change to current position. Sites are maintained with a variety of shrub borders and planting which will support and safeguard the wildlife in the area. The greens would continue to be an area that does not support wildlife.
Waste and pollution effects on air, land and water from waste and emissions	? +	No change to the current position. Green waste is composted. Tenants are required to reduce waste from pavilion operations and recycle. Will reduce council officer mileage as maintenance will be held with the individual clubs meaning site visits will be reduced.

<p>Council Priority and Objectives for Improving our Environment:</p> <ul style="list-style-type: none"> • Reduce traffic congestion • Improve streetscene • Improve recycling & energy management • Respond to climate change • Improve quality of existing space 	+	<p>This decision will assist in users not having to travel long distances as it safeguards the distribution of bowling greens around the borough.</p> <p>Maintains the public open space.</p> <p>Improves community involvement of open space.</p>
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Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy & Sustainability Manager @ lee.green@bournemouth.gov.uk

If you would like help in completing this checklist or would like to request a change, again contact Lee Green by email or call on 01202 451144.

RISK REGISTER FOR

Letting of Outdoor Bowls sites to resident clubs for self management.

RISK REGISTER COMPLETED BY:

DATE:

Risk Key:

Definitions:

Priority Ratings:

L = Likelihood (1-4)

1-2 Low risk

I = Impact (1-4)

3-6 Medium risk

S = Score (I x L)

8-16 High

Corporate Risk Categories:

Poi=Political Enviro=Environmental
 Econ=Economic Comp=Competitive
 S=Social Cust=Customer/Citizen
 T=Technological Rep=Reputation
 L=Legislative Phys=Physical

Service Risk Categories:

Res=Resource Cont=Contractual
 L=Legal T=Technological
 Phys=Physical Enviro=Environmental

PLEASE SEE TABS BELOW FOR THE RISK SCORING MATRIX, INFORMATION ON RISK CATEGORIES AND IMPACT & LIKELIHOOD SCORING DEFINITIONS

Objectives of the Project, Policy, Initiative, Service etc:

- A: Letting of Outdoor Bowls sites to resident clubs for self management.
- B: Reduction of costs in maintaining sites for Parks and Building Maintenance budgets
- C: Continuation of outdoor bowls in Bournemouth acknowledging reducing membership.
- D:
- E:
- F:

Risk No	Risk			Risk Category	Risk Owner	Gross Risk Score (ie as if no mitigations/controls in place)			Risk Mitigation/Control Measures Put in Place	Net Risk Score (ie rating of the risk with current controls or procedures in place)			Further Action (ie mitigation/controls) required	Action Owner	Completion Date (DD/MM/YYYY)	Target Risk Score (ie rating of risk once these new actions successfully implemented)		
	Risk (uncertainty which may affect objective)	Risk Cause (definite situational facts affecting the objective)	Risk Impact (contingent effect on objective)			L	I	S		L	I	S				L	I	S
1	Failure of resident club (Tenant) through lack of finance, low membership or management committee unable to continue.	Poor financial planning, cash flow problems etc by club. No new members so site becomes unviable or members to take on committee responsibility	Tenant has to close, so use of pavilion and green gets handed back to Council.	Cust/Res/Cont	Ed Alexander	2	1	2	Contractual meetings with tenant during contract period to monitor position	2	1	2	If tenant ceases to operate, Parks to review site operation	Ed Alexander /Parks Development Team	on going	2	1	2
2	Tenant does not does not perform as required under lease	Tenant fails to adhere to terms of contract	Business reputation poor and customers use alternative outlets	Cust/Res/Cont	Ed Alexander	1	1	1	Contractual meetings with tenant during contract period	1	1	1	Feedback any Customer concerns	Ed Alexander	on going	1	1	1
3	Tenant can no longer meet its contractual/legal obligations	Tenant no longer has the funds to continue.	Site becomes run down, equipment not serviced, maintenance not carried out	Cust/Res/Cont/Phys	Ed Alexander	2	4	8	Regular site inspections, Council to carry out statutory testing and re-charge tenant.	1	2	2	Regular inspections/feedback	Ed Alexander	on going	1	2	2
4	Club members lose facility	Tenant ceases to operate	bad press and backlash as a result of club closing	Social	Ed Alexander	2	1	2	Contractual meetings with tenant during contract period to monitor position	2	1	2	If tenant ceases to operate, Parks to review site operation	Ed Alexander	on going	2	1	2
5	Club shuts and no longer operates	Tenant ceases to operate	bad press and backlash as a result of club closing	Political/Reputation	Ed Alexander	2	1	2	Contractual meetings with tenant during contract period to monitor position	2	1	2	If tenant ceases to operate, Parks to review site operation	Ed Alexander	on going	2	1	2
6	Tenant doesn't use recognised service providers to maintain the greens	Incorrect use of materials (e.g. chemicals) causes long term environmental impact	Remediation works need to be carried out by either the tenant or the Council	Environment al	Ed Alexander	2	4	8	Green keeping is specialised and clubs are using experienced greenkeepers	1	2	2	Inspections by trained Parks Operations staff to check on working practices	Ed Alexander	on going	1	2	2
7	Overuse of resources -water, fuel etc.	Tenant is not using energy saving operations	High levels of natural resources unnecessarily wasted	Environment al	Ed Alexander	1	2	2	Tennats are responsible for all bills so, have vested interest in keeping waste to a minimum.	1	1	1	Site inspections	Ed Alexander	on going	1	1	1
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Risk No	Risk			Risk Category	Risk Owner	Gross Risk Score (ie as if no mitigations/ controls in place)			Risk Mitigation/Control Measures Put in Place	Net Risk Score (ie rating of the risk with current controls or procedures in place)			Further Action (ie mitigation/ controls) required	Action Owner	Completion Date <small>(DD/MM/YYYY)</small>	Target Risk Score (ie rating of risk once these new actions successfully implemented)		
	Risk (uncertainty which may affect objective)	Risk Cause (definite situational facts affecting the objective)	Risk Impact (contingent effect on objective)			L	I	S		L	I	S				L	I	S
42								0			0							0
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47								0			0							0
48								0			0							0
49								0			0							0

Risk Scoring Matrix

THREATS					
Likelihood	Almost Certain (4) >90%	4	8	12	16
	Likely (3) 60 - 90%	3	6	9	12
	Could Happen (2) 20 - 60%	2	4	6	8
	Unlikely /Rarely (1) 0 - 20%	1	2	3	4
		Low (1)	Medium (2)	High (3)	Extreme (4)
	Impacts				

Please see tabs below for explanations of risk categories, and impact and likelihood scoring guidance.

Categories of Risk

Table 1: Corporate Risks (Table 2: Service Risks is below)

Categories of Risk		
Corporate Risks are those risks which need to be taken into account in judgements about the medium- to long-term goals and objectives of the Council.		
Service Risks are those risks that managers and staff will encounter in the daily course of their work.		
The following tables include categories of risk however these are not an exhaustive list but provide a framework for identifying and categorising a broad range of risks the Council could face.		
Table 1: Corporate Risks		
Category of Risk	Risk Definition	Examples
Political	Those associated with a failure to deliver either local or central government policy, or to meet the local administration's manifesto commitments	a) Wrong corporate/strategic priorities b) Decisions based on incomplete/incorrect information c) Too slow to modernise/innovate d) Community planning oversights/errors
Economic	Those affecting the ability of the Council to meet its financial commitments. These include internal budgetary pressures, the failure to purchase adequate insurance to cover external macro-level economic changes ¹ , or the consequences of proposed investment decisions	a) UK/regional economic problems b) Missed business or service opportunities c) Unreliable accounting records d) Material misuse of resources or fraud e) Cost of capital
Social	Those relating to the effects of changes in demographic, residential or socio-economic trends on the Council's ability to deliver its objectives	a) Demographic change b) Crime and disorder
		Continued to the right
¹ For example, changes in interest rates, inflation, borrowing consent or other responses to the global market.		

Category of Risk	Risk Definition	Examples
Technological	Those associated with the capacity of the Council to deal with the pace/scale of technological change, or its ability to use technology to address changing demands. They may also include the consequences of internal technological failures on the Council's ability to deliver its objectives	a) Obsolescence b) Inappropriate IT strategy c) Inability to implement change d) Major IT or project failure
Legislative	Those associated with current or potential changes/management of changes in respect of national or European law	a) TUPE regulations ¹ b) Breaches c) Inadequate response to legislative changes
Environmental	Those relating to the environmental consequences of progressing the Council's strategic objectives	a) Noise, contamination, pollution b) Impact of planning and transport policies c) Climate Change d) Energy efficiency e) Recycling f) Landfill requirements g) Sustainability issues
Competitive	Those affecting the competitiveness of the service (in terms of cost or quality) and/or its ability to deliver best value	a) Failed bids for government funds/grants b) Failure to demonstrate best value
Customer/Citizen	Those associated with the failure to meet the current and changing needs and expectations of customers and citizens	a) Lack of consultation b) Image
		Continued below left
¹ Transfer of Undertakings (Protection of Employment) Regulations relating to the possible transfer of staff terms and conditions when in-house work is transferred to an external contractor.		

Category of Risk	Risk Definition	Examples
Reputation	Those associated with the level of confidence and trust which stakeholders have in an organisation	a) Reality gap between stakeholder expectations and actual outcomes b) Changes in external beliefs and expectations which can widen or (less likely) narrow this gap c) The quality of internal coordination, which also can affect the gap ¹ d) Increasingly the quality of co-ordination with partners in service delivery
Physical	Those associated with corporate or systemic fire, security, health, safety & welfare (both staff and community) etc	a) Corporate Health & Safety b) Corporate Fire Safety c) Safeguarding the vulnerable in the community
¹ Walter Isaacson, The Real Leadership Lessons of Steve Jobs, Harvard Business Review Magazine, April 2012		

Category of Risk	Impact	Examples
Resource	Financial HR Information Physical assets	Financial a) insufficient funding b) poor budget management c) fraud HR a) staff capacity b) staff skills c) recruitment and retention Information a) adequacy for decision making b) protection of privacy Physical assets a) loss b) damage c) theft
Legal	Those related to possible breaches of legislation	a) Breaches b) Exposure to liability claims
Physical	Those related to fire, security, accident prevention and health and safety of staff and public	Hazards/risks associated with: a) Buildings b) Vehicles c) Plant and d) Equipment
Contractual	Those associated with the failure of contractors to deliver services or products to the agreed timeframes, cost and specification	a) Slipped or missed timescales b) Costs exceeded c) Specification not met
Technological	Those relating to a reliance on operational equipment	a) IT systems b) Equipment and machinery
Environmental	Those relating to pollution, noise or the energy efficiency of ongoing service operations	a) Noise, contamination, pollution b) Inefficient use of energy and/or water c) Climate Change

Impact and Likelihood Scoring

Table 3: Impact Scoring Guidance

Threat (Negative) Impacts Scores		
1	Low	<ul style="list-style-type: none"> a) Potential financial loss of less than £100k b) Minor injury c) Minor legal/regulatory consequence d) Minor impact outside single objective/local system e) Internal adverse publicity, minor reputational damage/ adverse publicity f) Minor service disruption g) Minimal service user complaints
2	Medium	<ul style="list-style-type: none"> a) Potential financial loss of between £100k and £499,999 b) More serious injury c) Significant legal/ regulatory consequence d) Significant impact on objective/s, processes or systems e) Significant localised reputational damage f) Significant service disruption g) Multiple service user complaints
3	High	<ul style="list-style-type: none"> a) Potential financial loss of between £500k and £999,999 b) Major disabling injury c) Substantial legal/ regulatory consequence d) Substantial impact on objective/s, processes or systems e) Prolonged adverse local and national media coverage f) Substantial service disruption g) A substantial number of service user complaints
4	Extreme	<ul style="list-style-type: none"> a) Potential financial loss of over £1m b) Fatality and/or multiple injuries c) Major legal/regulatory consequence d) Major impact on corporate level objective/s e) Major/severe reputational damage/ national adverse publicity f) Central government interest/ administration g) Loss of all critical services for a significant period of time

Table 4: Likelihood Scoring Guidance

Threat (Negative) Likelihood Score		
1	Unlikely/ Rare	<ul style="list-style-type: none"> a) 0 - 20% chance of occurrence b) 1 in 20 year event c) May occur only in exceptional circumstances d) Has never or very rarely happened before
2	Could Happen	<ul style="list-style-type: none"> a) 20 - 60% chance of occurrence b) 1 in 10 year event c) Is unlikely to occur but could occur at some time/in some circumstances
3	Likely to Happen	<ul style="list-style-type: none"> a) 60 - 90% chance of occurrence b) 1 in 5 year event c) Will probably occur at some time/in most circumstances
4	Almost Certain	<ul style="list-style-type: none"> a) Over 90% chance of occurrence b) Occurs on an annual basis c) Is expected to occur in most circumstances