

ISLE OF ANGLESEY COUNTY COUNCIL	
<b>Report to:</b>	<b>THE EXECUTIVE</b>
<b>Date:</b>	<b>3<sup>rd</sup> November 2014</b>
<b>Subject:</b>	<b>Corporate Scrutiny Committee Review of the Skate Park Closure, Llangefni.</b>
<b>Portfolio Holder(s):</b>	<b>Cllr A.Morris Jones</b>
<b>Head of Service:</b>	<b>D.Williams Director of Sustainability (Arthur Owen)</b>
<b>Report Author:</b> Tel: E-mail:	<b>Corporate Scrutiny Committee</b>
<b>Local Members:</b>	<b>Cllrs N. Roberts, D. Rees, and R.G. Parry.</b>
<b>A –Recommendation/s and reason/s</b>	
<p><b>1. Reinstate the Skate park at the original site outside Plas Arthur, Llangefni.</b></p> <p><b>Reason(s):</b> A public facility was closed without following the correct protocol as set out in the IOACC Constitution; Paragraphs 5.3.2.3.(a) &amp; (c) and not seeking the proper authorisations to make a decision remove an established and utilised community facility Paragraph 2.13.9.1. Officers were under the mistaken impression that there was no need to consult, as this was a non-statutory service. Following legal advice, sought after our meeting, we can confirm, regardless of whether it is statutory or non-statutory, we still have to consult on any material changes to a service delivery to users.</p> <p>It was implied a transfer of the skate-park was to take place thus a H&amp;S report requested, if this was the case, then we assume monies were to follow the facility. Officers confirmed land had been cleared at Lon Las Community Park, implying getting ready for said transfer, but where is the consultation for that relocation. The Council assumed responsibility by closing the facility and thus should bear the consequences.</p> <p>An offer was made at our meeting from the Portfolio Holder, that he would ask the Director for an officer to assist those seeking grants to put a skate park in Llangefni. This was seen as a useful offer but was some what too soon as the Committee had not yet made its formal recommendations,</p>	

**2. The Executive should instigate immediately a consultation exercise on Relocation versus Reinstatement, providing costs involved for both options.**

**Reason:** A lot of research had gone into establishing the park at this particular location, it had gone through the full planning process and we can assume that the original planning permission still stands. The hard standing that remains is a very suitable base for a replacement facility. A new site would have to include these at considerable additional costs.

**3. Heads of Service should ensure in future that appropriate training is given to Officers who may find themselves in a similar dilemma, i.e. if changes are to be made to the way our citizens access or receive services. We are required to consult with stakeholders and Local members and undertake Equality and Privacy Impact Assessments (EIA & PIAs) accordingly.**

**Reason(s):** The Skate Park could have been cordoned off and made safe while public consultation took place (including the relevant Local Member and Portfolio Holder Member), options considered and then a proper authorised decision made, before the action to remove took place. Even the explanation of an H&S report did not justify the process followed.

**4. Emerging themes and lessons to be learnt:-** after questioning internal & external invitees and reading written evidence (see Para FF for background papers) received in the Committee's Review;-

- a) Those decisions regarding local facilities which affect communities should be taken only after full consultation with the Stakeholders, Local Elected Members and the relevant Portfolio Member, and they should be informed of the circumstances and rationale for any proposed course of action and only then with proper authorisations.
- b) That it is essential on the establishment of any such enterprise and/or facility that ownership and responsibility for maintenance, funding and oversight of the resource are clearly defined and understood by each of the parties involved from the outset and set out in written agreement.
- c) When Officers are preparing to circulate a questionnaire/survey to acquire local intelligence on a topic they should be mindful at the offset of its purpose. The Surveys introduction should explain to the respondent the reason for asking the questions. They should be written in an unbiased way, not use leading questions, and be aimed at the appropriate market /stakeholders.
- d) Officers attending Scrutiny Committee Reviews should marshal in advance evidence they feel relevant to show their decision making, and ensure its accuracy, not only produce papers requested by Committee, In addition, be mindful of how

they can be perceived when not being proactive.
<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
Alternative site has been offered but it does not meet the criteria required of such a facility e.g. location & safety for the predominately young persons who use the sport facility.
<b>C – Why is this decision for the Executive?</b>
Allocate funding for reinstatement.

<b>CH – Is this decision consistent with policy approved by the full Council?</b>
This is a matter for the Service that reduced the facility that falls within the Council Policy.

<b>D – Is this decision within the budget approved by the Council?</b>
Advice from the 151 Officer required.

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SALT)</b> (mandatory)	Acknowledge the Findings of the Scrutiny Committee and its recommendations.
2	<b>Finance / Section 151</b> (mandatory)	There is no funding for this project and that none has been sought.
3	<b>Legal / Monitoring Officer</b> (mandatory)	If we are delivering a service, regardless of whether it is statutory or non-statutory, we still have to consult on any material changes to that Service where they impact on service delivery to users. Obviously, the consultation needs to be proportionate to the changes we are making as well as providing for a reasonable time for relevant stakeholders to be consulted. We also need to be able to demonstrate that we have given proper consideration to those responses. Factors like urgency would be a consideration in terms of what is appropriate.
4	<b>Human Resources (HR)</b>	n/a
5	<b>Property</b>	No comments
6	<b>Information Communication Technology (ICT)</b>	n/a
7	<b>Scrutiny</b>	Extraordinary Meeting with External Contributors present, held: 26.9.14
8	<b>Local Members</b>	Invited to the above Scrutiny Meeting. Both local Members were consulted by officers only after the park equipment had been removed and they had featured in a press article ( D.Mail 9/7/14) with

		park users, complaining about the closure. The LM confirmed previously there had been some anti-social behavior at the site but this had now ceased.
9	Any external bodies / other/s	Former Clerk to the Llangefni Town Council (AM). Cwmni Tref Llangefni (DP/TJ & GJ) Cyngor Tref Llangefni (JEL), IOACC (BP) Skatepark User (DM) - Wish park to be reinstated.

E – Risks and any mitigation (if relevant)		
1	Economic	N/A
2	Anti-poverty	N/A
3	Crime and Disorder	N/A
4	Environmental	N/A
5	Equalities	The closure disproportionately affected young people in the area.
6	Outcome Agreements	N/A
7	Other	

F - Appendices:
Minutes of the Corporate Scrutiny Committee: 26th September 2014.

FF - Background papers (please contact the author of the Report for any further information):
Lodged with the Scrutiny Manager, IOACC, Room 1044, County Office HQ, Llangefni: - Plas Arthur Leisure Centre Skate Park Survey Results - Leisure Centre Maintenance Inspection List - RoSPA Report - Independent Safety Inspection Report - Head Of Service Briefing Note

# CORPORATE SCRUTINY COMMITTEE

## Minutes of the extraordinary meeting held on 26 September, 2014

- PRESENT:** Councillor R.Meirion Jones (Chair)  
Councillor G.O.Jones (Vice-Chair)
- Councillors Llinos Medi Huws, Victor Hughes, Raymond Jones,  
R.Llewelyn Jones, Peter Rogers
- IN ATTENDANCE:** Councillor Aled Morris Jones (Portfolio Member for Leisure Services)  
Director of Sustainable Development  
Principal Leisure Officer (DB)  
Plas Arthur Leisure Centre Manager (JS)  
Scrutiny Manager (BS)  
Committee Officer (ATH)
- APOLOGIES:** Councillor Jim Evans
- CONTRIBUTORS:** Councillors Dylan Rees, R.G.Parry, OBE (Local Members), Mr Arnold Milburn (Former Clerk to Llangefni Town Council), Representatives of Llangefni Town Council, Mr Dewi Morgan (Service User) Messrs. Dic Pritchard, Gwyn Jones Trefor Edwards (Cwmni Tref Llangefni), Mr J.E.Lewis (Llangefni Town Council)
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### 1 DECLARATION OF INTEREST

No declaration of interest was received.

### 2 CLOSURE OF LLANGEFNI SKATE PARK

The Chair welcomed all those present to this extraordinary meeting of the Corporate Scrutiny Committee which had been convened to consider the closure of Llangefni Skate Park and any lessons to be learnt from that process in accordance with the request made by Councillor Victor Hughes and endorsed by the Committee at its meeting held on 1 September, 2014.

The Committee was provided with background information in relation to the circumstances in which the decision to close the Llangefni Skate Park was taken.

The Chair asked Councillor Victor Hughes to explain the reasons for asking the Corporate Scrutiny Committee to examine the matter.

Councillor Victor Hughes noted the following points –

- That as an executive director of Cwmni Tref Llangefni which had been instrumental in the setting up of the Llangefni Skate Park he was disappointed by its closure and the manner in which that had happened to the detriment of the local community and the park's users.
- He described the efforts made in 2002 to bring the Skate Park to Llangefni as a resource to be used for the town's young people and the difficulties experienced in identifying an acceptable and suitable location.
- He outlined the input made by the County Council at that time in terms of assisting in securing grant funding and planning consent (correspondence dated 10 April, 2003 from the then Head of Leisure Services).
- The Skate Park was subsequently installed and has been consistently used since then.
- On 11<sup>th</sup> July, 2014 he had noticed that the Skate Park's equipment was being removed by lorry. Inquiries showed that the Local Members were not aware of this development and neither was the Chief Executive when asked the following day.

- A resource worth £70k was being made redundant instantaneously on the basis of two health and safety reports - one from RoSPA and another separate investigation report - without further investigating possible remedial works.
- The latter report does recommend that signs of corrosion on parts of the equipment should be treated promptly with a view to prolonging the life and stability of the equipment.
- A similar situation has been described in the community newsletter for the community of Blaenau Ffestiniog where the closure of the local skate park which had deteriorated in condition was averted by a concerted community effort to raise £15k for repair works. A sum in the region of £15k is not a large sum to be expended on repairs in the context of the original investment of £70k on the Llangefni Skate Park. The opportunity to undertake repair works was not afforded to the community of Llangefni.
- That he felt the questionnaire about the Plas Arthur Skate Park drawn up to assist with the decision regarding the future of the park was worded negatively in a way that supports a closure/re-location.

The Committee heard from Mr Dave Barker, Principal Leisure Officer, Mr James Stuart, Plas Arthur Leisure Centre Manager and Mr Arnold Milburn, former Clerk of the Llangefni Town Council who had been invited to the meeting to provide the Committee with information about the factors and circumstances leading to the closure of the Skate Park. Members of the Committee were given the opportunity to question the invitees to obtain clarification of the situation.

The Chair kept proceedings in line with the order set out in the Committee's requested documents list:

- Skate Park Survey results
- Leisure Centre Inspections checklist
- RoSPA report
- Independent Safety Inspection report
- Head of Service Briefing note

The following main points arose from the questions asked and the responses to them:

- The Plas Arthur Duty Officer's checklist is part of the Leisure Centre's operational procedure. It was extended to the Skate Park because of unsightly rubbish left on the park which problem became worse after 2010. There were also instances of anti-social behaviour which were referred to the Police on three occasions. Complaints were known to have been made about anti-social behaviour as far back as 2005.
- Indications of any significant defects were forwarded to the Clerk of the Llangefni Town Council which undertook minor repairs.
- The Users' questionnaire prepared by the Town Council was formulated to evidence continuing use of the skate park because usage at the time was low, and to raise awareness of drug, anti-social and litter problems. It formed part of the review of the park in its entirety including its operation and the problems it might be causing.
- The proposed re-location site at Lôn Las Community Park already has established facilities. It is a larger site and could be termed a community hub.
- The independent inspector's report on the condition of the Skate Park dated May, 2014 was informally commissioned by the then Clerk to the Llangefni Town Council to validate his own personal assessment of the deteriorating condition of part of the Park's equipment. The report was not formally discussed by the Town Council.
- The report was made available to the Leisure Department. Due to discussions between the Leisure Service and the Town Council regarding a possible asset transfer of the skate park it was reasonable to obtain an official independent assessment of the equipment pending the transfer, hence RoSPA, as a nationally recognised body was commissioned to undertake that assessment. The RoSPA report dated June, 2014 corroborated many of the conclusions reached by the independent inspector in his unofficial report.
- On the basis of the risk assessment score in the RoSPA report and separate legal advice, a sign was erected to inform the public of the removal of the Park's equipment for reasons of safety. The decision was taken by the Principal Leisure Officer, the Plas Arthur Leisure

Centre Manager and the former Clerk of the Llangefni Town having regard to the RoSPA report.

- It was said that as the Leisure Service is a non-statutory service there was no obligation to consult. However, it was acknowledged that the omission of the Local Elected Members from the process was an oversight for which the Principal Leisure Officer had expressed regret.
- The decision to remove the equipment would arguably have remained unchanged because it was based on the conclusions of an independent and respected body but the manner in which it was implemented could have been different.
- The equipment was removed in its entirety because the remaining small parts would disrupt the flow of the park.
- Minor repair work had and was being undertaken by the Town Council. The decision to remove the equipment was dictated by the view that the structure could not be repaired. It was not made for reasons of anti-social behaviour.
- The Town Council is responsible for a number of play areas which are inspected annually by RoSPA. The Llangefni Skate Park was inspected as part of that process in the context of the proposed asset transfer, and the June 2014 report was subsequently issued.
- No decision has been made as regards any alternative use for the skate park site.
- There is a Community Fund called Clwb Cadw Mi Gei which was established by the community after the Communities First Partnership had made its grant allocation to get the park up and running, and that currently stands at £2,000.

The Committee also heard from Local Member, Councillor Dylan Rees, Members of the Llangefni Town Council who raised issues about having had no notice of the pending closure and regarding the condition of the park which they said they had found to be clean and tidy; regarding funding and regarding oversight responsibilities.

Mr Dewi Morgan, Skate Park user who had been involved in its establishment and now whose children had started to use the park confirmed that many children and young people use the park and that it is especially busy on a Sunday. The current location outside Plas Arthur Leisure Centre is an appropriate one as the skate park is about leisure activities, and it is a safe location being in proximity to the leisure centre. Mr Morgan said that the foundations still remain and that he would like to see the park reinstated on its original site before the surface is removed and more monies are lost.

The Committee's response to some of the points above was –

- The survey was fundamentally flawed and was targeted at users of the Leisure Centre and not the skate park
- No written evidence was provided:
  - i. To show the regularity of the inspections at the skate park
  - ii. Any evaluation of maintenance required, and
  - iii. A mechanism to feed this back to ensure authorised action
  - iv. In relation to the anti-social behaviour referred to or provision of customer complaints
- Verbal evidence given regarding anti-social behaviour, once a chronology had been established via questions, was shown to be irrelevant.
- The RoSPA report was seen to override the Independent Safety Inspection report rather than its being considered equally. The latter report gave alternative options which the community would have favoured.
- It was established that the Officers in considering the issue, did seek and did receive verbal legal advice from the County Council
- It was established that a car park on the skate park site was only a rumour.
- Members did have sympathy for the Officers in this position understanding a quick decision to avoid a higher risk of possible injury and being criticised for being slow to act.

The Committee identified emerging themes and lessons to be learnt from the information they had received about the closure of the Skate Park and the manner in which it was

effected. The Chair asked the Committee how it wished to proceed to formulate recommendations.

The Principal Leisure Officer referred to a number of local examples of skate parks e.g. Caernarfon, Bangor, Llanfairfechan, Penmaenmawr, Eirias Park etc. and that those seeking a grant to put a park in Llangefni could consult and learn from these sites.

#### **ACTIONS REQUESTED BY THE COMMITTEE**

- **Scrutiny Manager in consultation with the Chair to formulate a scrutiny outcome report on the Committee's review of the closure of Llangefni Skate Park, its conclusions and recommendations and to present a draft to the Committee at its meeting on 15<sup>th</sup> October for its approval and endorsement prior to the submission of a formal report to the Executive.**
- **Portfolio Member for Leisure Services to consult with the Director of Sustainability on the feasibility of the Department's leading on research support for the Llangefni community to seek to identify grant funding and potential sites for a skate park in Llangefni.**

**Councillor R.Meirion Jones  
Chair**