



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee ECONOMY & CULTURE SCRUTINY COMMITTEE

Date and Time of Meeting TUESDAY, 14 MAY 2024, 4.30 PM

Venue CR 4, COUNTY HALL - MULTI LOCATION MEETING

Membership Councillor Wong (Chair)
Councillors Berman, Brown-Reckless, Henshaw, Jenkins, Jones,
Lloyd Jones, Shimmin, Thomson

*Time
approx.*

1 Apologies for Absence

To receive apologies for absence.

2 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 Minutes (Pages 5 - 10)

To approve as a correct record the minutes of the meeting held on 19/03/24.

4 Music Strategy and Cardiff Music City Festival Update (Pages 11 - 18) 4.30 pm

Policy Development Scrutiny.

Appendix A – to follow.

Confidential Slides in Appendix A are not for publication as they contain exempt information of the description contained in paragraphs 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. It is viewed that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 5 **Fields in Trust** (*Pages 19 - 60*) 5.20 pm
Pre-decision Scrutiny – of report to Cabinet.
- 6 **Correspondence update** (*Pages 61 - 64*) 6.00 pm
- 7 **Urgent Items (if any)**
- 8 **Date of next meeting**
Proposed Date of Next Meeting – 18 June 2024, 4.30pm

D Marles

Interim Monitoring Officer

Date: Wednesday, 8 May 2024

Contact: Andrea Redmond, 02920 872434, a.redmond@cardiff.gov.uk

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ECONOMY & CULTURE SCRUTINY COMMITTEE

19 MARCH 2024

Present: Councillor Wong(Chairperson)
Councillors Berman, Brown-Reckless, Henshaw, Jenkins,
Lloyd Jones and Thomson

78 : APOLOGIES FOR ABSENCE

Apologies had been received from Cllrs Shimmin and Jackie Jones.

79 : DECLARATIONS OF INTEREST

None received.

80 : MINUTES

The minutes of the previous meeting were agreed as a correct record and signed by the Chairperson.

81 : CORPORATE JOINT COMMITTEE UPDATE

Members were advised that this report provides Committee with an update on;

- o the establishment of Corporate Joint Committees (CJCs)
- o the implications of the transition from the City Deal to the CJC on Cardiff Council's role as the Accountable Body and;
- o the transfer of Cardiff Council employees to the CJC

Members had the opportunity to scrutinise the report and explore the implications for the Council, including overview and scrutiny arrangements and the economic development role.

The Chairperson welcomed Cllr Huw Thomas – Leader of the Council; Chris Lee – Corporate Director, Resources; Jon Day – Operational Manager, Tourism and Investment; Jayne La Grua – Monitoring Officer, Cardiff Capital Region City Deal; Paul Orders – Cardiff Council, CEX; Kellie Beirne, Chief Executive Cardiff Capital Region; and Christian Hanagan – Service Director – Democratic Services & Communication Services, Rhondda Cynon Taff.

The Leader and Chief Executive were invited to make statements, after which Members were provided with a presentation and invited to ask questions and make comments/observations.

Members asked how the arrangements compared with the previous City Deal arrangements with regards to scrutiny and whether there would be a mechanism for

more effective scrutiny of the decisions taken and more opportunities for pre-decision scrutiny. The Leader stated that these concerns around the level of scrutiny of the City Deal arrangements had been discussed at Committee previously and had been discussed with the Scrutiny Chairs of Cardiff Council too. There has also been an exchange of letters between the CEX of the Corporate Joint Committee (CJC) on this issue. He added that there is a shared feeling there of the need to strengthen scrutiny arrangements. The Leader anticipated that pre-decision would not be practical as the timetable of meetings would still be quarterly, but the CJC is looking at how it can strengthen its scrutiny arrangements. The Leader noted the challenge of the context of 10 Local Authorities meeting quarterly and he has expressed his view that when decisions are taken locally then the local Authority undertaken their own scrutiny exercise. Members were further advised that after 1 April, the Joint Overview and Scrutiny Committee (JOSC) of the City Deal will become the JOSC of the CJC and that members should see an improvement in the scrutiny arrangements with the development of a forward plan and an annual report back to the member Council's scrutiny committees.

Members asked about the risks and implication for Cardiff Council if these scrutiny arrangements are not put in place. The Leader stated that the risks would be shared by all 10 LA's. Cardiff Council will no longer be the accountable body so there is an element of de-risk there. The Leader stated that he and officers are reasonable comfortable that the commitment is there to improve the scrutiny arrangements.

Members asked to what extent there is a legal entitlement or legal obligation for the scrutiny arrangements or whether this is a voluntary process. Members were advised that the scrutiny arrangements are statutory arrangements as part of the statutory function/entitlement. Members of the public and members of the committee can request scrutiny of any matters they wish to, these must be key decisions which will be published on the forward plan.

Members asked who decides what matters are scrutinised, how much time is given to them, how agendas are set, whether matters would be scrutinised in open/closed session, how much time opposition Councillors will have to scrutinise if they feel something is important. Members were advised that any of the 10 members of the JOSC can request scrutiny of a particular matter and it is up to that committee to determine its own terms of reference within the legislation and it is a matter for that committee to determine their forward plan and what they want to scrutinise. For the wider membership, any member who wants a particular matter scrutinised should make that known to their respective member on the JOSC. Members were further advised with regard to pre-decision scrutiny, it has always been a challenge to engage members of all 10 LA's, but the publication of a forward work programme should help with identifying areas where members think pre-decisions scrutiny would add value. Members were told that scrutiny would take in place in open session unless there were matters of commercially sensitive information being discussed. With regards to what has to be scrutinised, there is guidance but no specific statutory direction on this. Members were advised that projects in particular areas would have the opportunity for local scrutiny but also a regional overview.

Members considered it still was not clear who decides whether a matter is commercially sensitive and would be considered in private session and were concerned that public scrutiny is being undermined. Members were also concerned that due to the LA make-up of the membership there is a politically unbalanced

committee and expressed concern around how opposition Councillors can engage in the process of i.e. agenda setting, and whether there were any protections or safeguards in this respect. Members were advised that decisions on commercial sensitivity are governed by the law and access to information procedure rules, with regards to the JOSC, these would be the access to information rules of RCT and the decision taken by the Head of Democratic Services or Monitoring Officer. Addressing the question of political imbalance on the Committee, Members were advised that the membership of JOSC is one member from each of the 10 LA's, so it doesn't not have the same political balance rules as other committees have, however each of the individual LA's can scrutinise local matters.

Members asked if there were any opposition Councillors on JOSC at the moment. The Leader advised that 9/10 representatives on JOSC are Labour as they are from the majority party in the respective LA's, there is also one Independent member representative.

Members asked for an explanation around the equity investments and how organisations feed into this. Members were advised that there are two types of equity investments that the Cardiff Capital Region have been dealing with, the first being individual organisations who have expressed an interest to be involved and investment into these companies has been predicated on their growth prospects and what they bring to the economy. They also look for scale up business that have high potential and contribute to growing productivity in the Cardiff Capital Region through the lens of innovation. They are trying to support the particular sectors that the region has strength and competitive advantage in and around such as cyber, compound semi-conductors, media and creative companies – fulfilling a real gap in the market for investment.

Members further discussed the political balance on the JOSC and it was noted that pre 2022 there was a significant difference in the make-up of the committee. It was further noted that deputy members are encouraged to attend the JOSC and at the discretion of the Chair, constituent authorities are welcome to attend and contribute to discussions.

A further Member shared concern around the political balance stating that 9/10 members of JOSC were from one political party but did not necessarily represent 90% of the Councillors across the 10 LA's, which is a consequence of the way it's been set up. It was added that it would not give the public confidence that all viewpoints would be considered when making decisions and effective scrutiny taking place.

Members discussed communication with the public and the Leader explained that there is recognition that there needs to be politically lead communications and engagement. Members were also advised that meetings will generally be in public and there are public events and consultations planned as well as newsletters to councillors. There is a YouTube Channel in development and the website is being updated.

The youth representative about how the representatives on the committee are chosen, how the transition to the CJC will impact on staff resources and also around webcasting of meetings and how long meeting webcasts are kept. Committee were advised that in Cardiff it had been agreed between the Leader and scrutiny chairs

that the Cardiff representative would be the chair of the Economy & Culture Scrutiny Committee, deputised by the Chair of the Environmental Scrutiny Committee. In terms of staff resources, it was noted that the CJC will require its own S151 Officer and Monitoring Officer. In terms of webcasting, it was noted that the CJC meetings are webcast live and RCT as the host authority will webcast the JOSOC meetings and they will be kept online.

The Chairperson asked questions around ensuring the projects are understandable to the public and are transparent, which would in turn instil public confidence. The Leader agreed that this was an important issue as people may perceive, as with the City Deal, that Cardiff is taking money from their communities when in fact there is evidence that this is not the case in terms of increased GDA uplift across the region.

Cllr Brown-Reckless wished it to be noted that she has serious concerns that around 90% of JOSOC Membership are Labour councillors, responsible for scrutinising councils, nine out of ten of which are Labour run. In this respect she considers the arrangements for scrutiny of the CJC by JOSOC to be fundamentally flawed and requested that legal advice be taken on whether JOSOC constituted in this way properly discharges the legal scrutiny requirement. JOSOC does not follow the same political balance arrangements as local authorities, and this arrangement provides Cllr Brown-Reckless with significant concern around the lack of opposition and diverse voices within JOSOC. She is perplexed if it is the case that there is not even one councillor from the Conservative, Liberal Democrat or Plaid party entitled to sit on the JOSOC. Further, she considers that a lack of political balance and non-Labour councillors within JOSOC membership could impact the quality and effectiveness of scrutiny of the Labour run councils, and that basic constitutional principles of checks and balances, would ordinarily provide for non-Labour councillors to constitute at the very least a substantial part of the membership of a committee responsible for scrutinising Labour run councils. She is further concerned that the arrangements will not engender public confidence in the scrutiny of the CJC by JOSOC, and confidence in probity in public spending. She is not persuaded by argument put forward that councillors on scrutiny committees are supposed to act apolitically and for that reason there should not be concern at the scrutiny of Labour run councils being by a scrutiny committee comprised of around 90% Labour councillors. She considers effective and robust cross-party scrutiny of the CJC, which the public can have confidence in, to be very important given its anticipated spending budget of hundreds of millions of pounds of public money.

Cllr Berman asked that his minority view be captured to say that he has serious concerns that 90% of the JOSOC Membership are those of the local authorities ruling party. The JOSOC does not follow the same political balance arrangements as local authorities, and this arrangement provides Cllr Berman with significant concern around the lack of opposition and diverse voices within the JOSOC. Further, he considers that a lack of political balance within JOSOC membership could impact the quality and effectiveness of scrutiny, and public confidence in the scrutiny of the CJC by the JOSOC

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

82 : CITY CENTRE MANAGEMENT - APPROACH TO BUSKING

Members were advised that this item is to undertake policy review of the arrangements in place to manage busking. During this scrutiny, Members can explore the current arrangements for managing busking in Cardiff city centre, and possible future approaches to busking.

For this item, the Chairperson welcomed Cllr Thomas – Leader; Jon Day – Operational Manager, Tourism and Investment; Richard Hyatt and Will Lane - Operational Manager – Neighbourhood Services.

The Leader was invited to make a statement, after which Members were provided with a presentation and invited to ask questions and make comments/observations.

Members noted that the majority of noise nuisance complaints in the city centre do not relate to busking. Officers explained that they do not intend to follow Edinburgh's approach of banning amplification or deploy measures similar to those used by the police to address cyclist issues on Queen Street. Instead, the Council plans to collaborate with buskers and review existing guidelines to assess their effectiveness in addressing busking. It was noted however, additional approaches may be needed to prevent guideline breaches, and the Council will consider the use of existing legislation to address problematic issues as part of the review process.

The Committee commended the Council's ambition to develop a vibrant city centre environment that supports the music sector and ensures a thriving street performance scene, including busking and nurturing local talent. Members welcomed the Council's recognition of the busking community and its involvement in the broader development of the music scene. Additionally, Members appreciated the commitment to consider the entire eco-music system in the Council's music strategies. However, Members acknowledged the competing uses of the city centre, with performers, shoppers, and residents having different needs and priorities.

Members noted that amplification is a central factor in many complaints, particularly in the night-time economy, which falls outside of current city centre warden operational hours. Members expressed concern about the absence of wardens after 5pm and recommended addressing this in the review, along with the need for all relevant partner bodies to share responsibility for addressing noise nuisance in the city centre.

Members welcomed the trial of evening shifts for wardens and ongoing efforts to work with partners on funding and supporting an evening-specific approach. Members considered that night-time management arrangements should address the use of amplified pop-up karaoke on the city's streets during untimely hours.

The Committee commended the direct engagement with buskers in developing the guidelines and urged that it remains a central feature of the review. The Committee noted that wardens currently patrol and engage with buskers on a daily basis, and since June 2023, 87 different buskers have been consulted on the guidelines. The Committee considered that a review of the current engagement processes with

buskers would help to understand what works well and where this engagement could be strengthened.

Members were pleased to hear that there is a low level of resistance to the guidelines, and overall, feedback is positive, with the busking community understanding the reasoning behind having guidelines. Given the relatively small number of buskers in the city, Members stressed the importance of having arrangements in place to monitor the individual behaviour of buskers and enforce guidelines when appropriate.

Members welcomed the comparison review of 15 other council policies that informed the initial development of the guidelines. However, they expressed concerns about the enforceability of a voluntary code and the potential impact this would have on residents and businesses.

Members emphasised the importance of widely circulating the guidelines to key stakeholders, including local music students and associated institutions.

Members welcomed the commitment to consult with businesses and residents during the review of the guidelines and requested further information on this aspect.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

83 : URGENT ITEMS (IF ANY)

None received.

84 : DATE OF NEXT MEETING

23/04/2024, 4.30pm

The meeting terminated at 6.40 pm

**CYNGOR CAERDYDD
CARDIFF COUNCIL****ECONOMY & CULTURE SCRUTINY COMMITTEE****14 MAY 2024**

MUSIC STRATEGY AND CARDIFF MUSIC CITY FESTIVAL: UPDATE

Confidential Slides in Appendix A are not for publication as they contain exempt information of the description contained in paragraphs 14 and 16 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. It is viewed that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Purpose of the Report

1. This report provides Members with a brief overview of the Cardiff Music Strategy and the forthcoming Cardiff Music City Festival and provides links to previous reports, which Members may wish to read ahead of this scrutiny. Members will receive a presentation at this meeting providing an update on the next steps regarding implementing the Music Strategy, including council funding and decision-making processes.

Background

2. In 2017, the Save Womanby Street Campaign successfully halted proposed re-development on Womanby Street that could have curtailed live music events taking place in long-established venues. This campaign highlighted the role of music as one of Cardiff's strongest creative industries and focused attention on the need for the Council and partners to work together to protect and enhance the infrastructure required to enable music to flourish in Cardiff.
3. In December 2017, the Leader, Councillor Huw Thomas, officially announced the development of a music strategy, at a special launch event at City Hall. He committed the Council to working with Sound Diplomacy, global leaders of the Music Cities movement with experience of assisting other local authorities in developing music strategies. This would commence with an audit of the music ecosystem in Cardiff. A copy of the Leader's speech is available at:

<https://www.creativecardiff.org.uk/creative-cardiff-news/creativity-at-heart-our-economic-strategy-councillor-huw-thomas-launches-music>

4. Following the above, the Council's Corporate Plans have contained commitments to establish Cardiff as a Music City and to develop a signature event.
5. In April 2019, Cabinet noted the report by Sound Diplomacy, which analysed Cardiff's music ecosystem and provided strategic recommendations, and resolved a further report by brought to Cabinet to set out a response to this report and to establish a Music Board. The report to Cabinet, including the Sound Diplomacy report, is available [here](#) ¹.
6. In October 2019, Cabinet approved their response to the Sound Diplomacy recommendations, the establishment of Cardiff Music Board and the development of a new signature event for Cardiff in the form of an internationally relevant music festival. The report to Cabinet, including the Music Board's terms of reference, is available [here](#) .²
7. In November 2021, an update presentation to this committee highlighted the following:
 - a. Music Board had met 8 times and taken an active role in responding to planning issues, responding to Senedd scrutiny committee, informing work on pandemic response, establishing a Live Music Safety Board and engaging in development of RLDP
 - b. The Council had provided the Castle for city's grassroots venues, with all income going to the artists and venues
 - c. The Council had worked with partners to ensure venues such as the Old Library and Norwegian Church will support the Music Strategy following asset transfer
 - d. The Indoor Arena contributes to the Music Strategy and operators were working with the Music Board to embed into the city's music ecosystem and support grassroots music.
 - e. The Council had worked with venues in Womanby Street, reviewing layouts and supporting redevelopment of Clwb Ifor Bach.
8. In December 2021, Cabinet received an update on the development of the music ecosystem for Cardiff and agreed that the proposed trial for the voluntary

¹ [Agenda for Cabinet on Thursday, 18th April, 2019, 2.00 pm : Cardiff Council \(moderngov.co.uk\)](#)

² [Agenda for Cabinet on Thursday, 10th October, 2019, 2.00 pm : Cardiff Council \(moderngov.co.uk\)](#)

guidelines for buskers in the city centre be noted. The report to Cabinet, including the voluntary guidelines for buskers, is available [here](#).³

9. Since then, work has been underway to implement the Music Strategy and develop a music event. Press releases for the Cardiff Music City Festival were released in April 2024, including:
 - Sound of the City commission⁴
 - Leftfield and Orbital to open Festival⁵
10. The Cardiff Music City Festival will run from 27 September 2024 – 20th October 2024 and aims to attract 20,000 visitors in its first year. The festival encompasses renowned new music festival Sŵn and the Wales Millennium Centre's international arts weekend, Llais, and is supported by Welsh Government and Cardiff Council. Further information is available at its website: <https://cardiffmusiccityfestival.wales/>

Previous Scrutiny

11. This Committee undertook policy development scrutiny of work to develop a Music Strategy at their meeting on 9 April 2019. In the resultant Chair's letter,⁶ Members highlighted:
 - *'Members share the view that a Music Strategy for Cardiff will lead to a number of creative and economic benefits for residents, visitors, businesses and those working in Cardiff, as well as across the region.'*
 - *Members are pleased that the proposed scope of strategy is broad, not limited to live music or a particular genre but encompassing all genres and the music ecosystem across the city. A particular concern of committee members is to ensure that music is accessible and inclusive for all young people, not only in terms of being musicians but also in terms of developing pupils' awareness and skills sets so they can benefit from the range of skilled roles that exist across the music economy.'*

³ [Agenda for Cabinet on Thursday, 16th December, 2021, 2.00 pm : Cardiff Council \(modern.gov.co.uk\)](#)

⁴ [Cardiff-based musicians commissioned to create new 'Sound of the City' \(cardiffnewsroom.co.uk\)](#)

⁵ [Leftfield and Orbital to play Cardiff Music City Festival \(cardiffnewsroom.co.uk\)](#)

⁶ Letter from Councillor Howells, Chair of ECSC, to Councillor Bradbury, Cabinet Member Culture & Leisure, dated 11 April 2019

- *The membership of the partnership Music Board will be critical to the success of work in this area and Members were pleased to hear that you intend membership to be broad and inclusive, with a number of sub-groups to provide focus on particular aspects. At the meeting, we asked about the resources available to support the Music Board and note the response that existing resources will be sufficient to provide secretariat support.'*

12. Following pre-decision scrutiny at their committee meeting in October 2019, the resultant Chair's letter⁷ stated Members were:

- Pleased to see progress shaped by partnership working
- Pleased that the call for Music Board members took place in an open and transparent manner
- Pleased to hear the offer to bring the Music Board route map and plan of action to Committee and committed to making time in their work programme to enable this
- Supportive of the need for collective creative thinking to maximise impact from available resources and in-kind contributions
- Aware that the report has been shared with Regulatory Services who will be looking at licencing and approaches to noise nuisance
- Complimentary of the excellent work of officers and partners in developing the Music Strategy, which will bring benefits to Cardiff and the region, both economic and in terms of increasing well-being.

13. At their committee meeting 3 December 2020, Members scrutinised the impact of the coronavirus pandemic on the music sector in Cardiff and the recovery process from this. In the resultant Chair's letter⁸, Members:

- Noted it is essential conversations be held with Welsh Government to agree a roadmap for the restart of live music events in Wales and urged the Leader to lobby for speedy dialogue on this
- Noted Cardiff Music Board could assist by undertaking a health check of venues and freelancers to ascertain support required to remain

⁷ Letter from Councillor Howells, Chair of ECSC, to Councillor Bradbury, Cabinet Member Culture & Leisure, dated 4 October 2019

⁸ Letter from Councillor Howells, Chair of ECSC, to Councillor Thomas, Leader, dated 8 December 2020

viable, putting in place a 6-month plan on how to move forward, and consider Sound Diplomacy's 9-point plan for music city resilience

- Noted a Music Officer would be appointed in early 2021
- Agreed it is important Cardiff markets itself as safely welcoming events
- Noted the sector would welcome a UK Government-backed insurance scheme, to moderate the risk in organising events
- Stated they shared the belief that music is central to Cardiff, providing vital economic, social, and cultural benefits and being an art in its own right.

14. The Leader responded to the above, in a letter dated 8 February 2021, with the following points:

- He had written to the Minister to request a strategy is established with the sector that recognises both the public health challenges but also the need for a plan that venues can work towards. He also raised the need to lobby UK Government for a UK Government-backed insurance scheme
- The Cardiff Music Board and the wider Recovery Strategy for the city would address the specific points raised regarding the health check, the six-month plan, and the consideration of Sound Diplomacy's 9-point plan
- The Senedd's Culture, Welsh Language and Communications committee had recently published a '*Live Music in Wales*' report that makes recommendations on how the Government can support the sector going forward.

15. At their committee meeting 16 November 2021, Members received an update on progress with implementing the Music Strategy and the resultant Chair's letter⁹ made the following points:

- Members note the Music Board is kept informed re planning applications and is involved in discussions to inform the Replacement Local Development Plan and future Supplementary Planning Guidance.

⁹ Letter from Councillor Howells, Chair of ECSC, to Councillor Bradbury, Cabinet Member Culture & Leisure, dated 18 November 2021

- Members were pleased to hear about the Live and Unlocked events at Cardiff Castle, the talent development programmes in Splott, Riverside and Canton, that Butetown Pavilion has been fitted with recording equipment, and that the proposals for the Old Library, Norwegian Church and Indoor Arena will help support delivery of the Music Strategy.
- Members note that support offered during the pandemic, to venues and freelancers, was cross-city. Members are pleased that the aim is to have a city-wide approach going forward and hope that the proposed Signature Event will demonstrate this.
- Members note a Live Music Safety Forum has been established to deal with issues regarding being inclusive of all genres of music and that they discuss potential issues on a case-by-case basis and work in partnership to avoid negatively profiling whole genres of music.
- Members raised the real issue for musicians and performers of finding adequate parking close to venues to enable safe loading/ unloading of equipment. Members are pleased to hear officers across the Council are working with venues to find solutions to this issue. Members urge that this approach be applied city-wide, so that venues outside the city centre, such as church or community halls, that host music events have a point of contact with whom to discuss parking and access issues.

Issues

16. The presentation, attached at **Appendix A** – marked ‘*to follow*’ - will:
 - a. Provide an update on the level of council funding allocated to support music events throughout the year
 - b. Provide an update on the decision-making process regarding which music events the Council supports
 - c. Set out the next steps regarding implementing the Music Strategy.

Scope and Structure of Scrutiny

17. This update enables the Committee to be made aware of progress in implementing the Music Strategy and the Cardiff Music City Festival and

provides Members with the opportunity to input their views into the way forward.

18. The presentation, attached at **Appendix A**, contains confidential information, which will require the meeting to go into a closed session, where members of the public will be excluded, where Members can ask questions that pertain to the confidential information. Members are requested to keep this information confidential, in line with their responsibilities as set out in the Members Code of Conduct.

Way Forward

19. At the meeting Councillor Jennifer Burke (Cabinet Member – Culture, Parks, Events and Venues), Kathryn Richards (Head of Culture, Venues, Tourism and Events) Jon Day (Operational Manager – Tourism and Investment) and Ruth Cayford (Operational Manager – Creative Industries and Cultural Development) will be in attendance to make a presentation and answer any questions Members may wish to ask.
20. Members may wish to review the information presented at the meeting and determine whether there are any comments, observations, or recommendations which they would like to pass on to the Cabinet Member and senior officers.

Legal Implications

21. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be

undertaken in accordance with the procedural requirements imposed by the Council e.g., Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

22. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to review the information provided at the meeting and provide any comments, observations, or recommendations to the Cabinet Member and senior officers.

LEANNE WESTON
Interim Deputy Monitoring Officer

08 May 2024

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ECONOMY & CULTURE SCRUTINY COMMITTEE

14 MAY 2024

FIELDS IN TRUST: PRE-DECISION SCRUTINY

Purpose of the Report

1. To give Members background information to aid the scrutiny of the draft report to Cabinet titled '*Fields in Trust*, which is due to be considered by Cabinet at their meeting on 23 May 2024.

Structure of papers

2. Attached to this cover report are the following appendices:
 - i) **Appendix 1** – report to Cabinet titled '*Fields in Trust*.'
 - a. **Appendix A** – *Sites Matrix*
 - b. **Appendix B** - *Site Plans*
 - c. **Appendix C** - *Site Distribution Map*
 - d. **Appendix D** – *Single Impact Assessment*.

Scope of Scrutiny

3. At their meeting on 23 May 2024, the Cabinet will consider a report that:
 - i) Seeks approval in principle of eleven sites for Fields in Trust protection, subject to the outcomes of the consultation exercise.
 - ii) Seeks approval for the commencement of a consultation exercise, with the outcome reported back to a future Cabinet meeting.
4. During this scrutiny, Members can explore:
 - i) The eleven sites put forward for protection with Fields in Trust
 - ii) The mechanism used to afford protection – the Deed of Dedication
 - iii) The proposed consultation exercise
 - iv) The financial, legal, property and risk implications for the Council
 - v) The next steps and timelines involved, and
 - vi) The recommendations to Cabinet.

Background

5. Fields in Trust (FIT) is a registered charity that protects, supports and champions parks and green spaces via in perpetuity legal agreements with landowners. Currently, in Cardiff, there are 10 Council-owned parks and green spaces and 2 community council-owned recreation grounds protected via FIT.
6. The Corporate Plan 2023-2026 contains a commitment to continue to protect its parks and green spaces via FIT.

Issues

7. **Point 7** of the report to Cabinet, attached at **Appendix 1**, sets out the qualifying criteria that sites must meet to be eligible for FIT protection. **Point 8** sets out the additional criteria used to identify the proposed 11 sites, including the Green Space index, the Welsh Index of Multiple Deprivation, whether the ward already has sites with FIT protection, and whether the sites include Functional Open Space.
8. **Point 9** lists the proposed eleven sites, with **Appendix A** detailing how each site meets the criteria, **Appendix B** showing the extent of the land proposed for inclusion, and **Appendix C** showing the distribution of the current and proposed FIT sites. **Point 20** states the proposals increase the percentage of population within a ten-minute walk of a protected site from an estimated 43% (159,000) to an estimated 69% (254,000).
9. **Points 10-13** set out the legal basis of FIT protection, namely a Deed of Dedication that:
 - i) requires the Council to preserve and maintain the land as a public park/ playing field/ open space
 - ii) requires the consent of FIT prior to any disposals and changes of use falling outside the agreed use
 - iii) ensures no restrictions or controls are imposed in respect of public access and/or use of sites and facilities for the full range of current purposes
 - iv) ensures the use of sites will be continuous and consistent with FIT objectives.

10. **Point 12** clarifies that the Council will continue to make decisions regarding maintenance regimes and standards without requiring consultation or approval from FIT.

11. **Points 15-16** set out why certain areas within the sites are excluded from FIT protection, namely:

- i) Hailey Park – the area hatched blue on the site plan in Appendix B – is already afforded protection via charity law and The Charity Commission
- ii) Hailey Park and Westfield Park – Dŵr Cymru pumping stations
- iii) Trelai Park – Children’s Nursery.

12. **Point 17** sets out that Fairwater Park includes the dry ski slope, which is subject to a lease with a third party and therefore the Council will seek inclusion within the dedication, subject to agreement with the leaseholder.

13. **Point 18** states that current budgets can meet the costs of the proposals.

14. **Point 19** states it is proposed a 6-week consultation exercise will commence in June, with explanatory notices installed at the eleven sites and stakeholder groups consulted directly.

15. **Financial Implications** are at **Points 23-25** and set out that protection via FIT does not constrain the Council’s ability to make efficiencies or identify potential future savings but does require FIT consent prior to any decision regarding change of use, which could restrict the potential for alternative use, sale and/ or disposal of land and the capital receipts which may be available as a result.

16. **Legal Implications** are at **Points 26-33** and include:

- i) the legal basis for the Council entering into a Deed of Dedication with Fields in Trust, namely s24 Local Government and Elections (Wales) Act 2021
- ii) a restriction on the title will be added to the title of the property at Land Registry, preventing dispositions
- iii) the need for the Council to consider its duties with regard to the Equality Act 2010, Socio-Economic Duty, Welsh Language Measure (Wales) 2011 and

Welsh Language Standards, the Well- Being of Future Generations (Wales) Act 2015.

17. **HR Implications** are at **Point 34** and state there are no HR implications.

18. **Property Implications** are at **Points 35-38** and include:

- i) It is recommended that a review of existing and future proposed activities and uses and occupation on the land is undertaken and/or documented so that any implications are fully considered.

Proposed Recommendations to Cabinet

19. The report to Cabinet contains the following recommendations:

- 1) *Approve in principle (and subject to the outcome of the consultation exercise set out within this report) the list of sites for protection attached at Appendix A.*
- 2) *Approve the commencement of a consultation exercise set out within this report the outcome of which to be reported back at a future Cabinet meeting.*

Way Forward

20. Councillor Huw Thomas (Leader) will be invited to make a statement. Jon Maidment (Head of Parks and Harbour Authority) and Rhodri Edwards (Parks Planning Manager) will attend to give a presentation and all witnesses will be available to answer Members' questions on the proposals.

Legal Implications

21. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person

exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

22. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i) Consider the information in this report, its appendices and the information presented at the meeting
- ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter in time for its meeting on 23 May 2024, and
- iii) Decide the way forward for any future scrutiny of the issues discussed.

LEANNE WESTON

Interim Deputy Monitoring Officer

08 May 2024

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BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, NEIL HANRATTY – DIRECTOR ECONOMIC DEVELOPMENT AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 16 MAY 2024

FIELDS IN TRUST

LEADER (COUNCILLOR HUW THOMAS)

AGENDA ITEM:

Reason for this Report

1. To seek approval to nominate a group of eleven parks and green spaces for protection with Fields In Trust.

Background

2. The Council recognises the critical role that its parks and green spaces play in the environmental, economic, and social well-being of our city and the contribution that they make to the health agenda. This role has become increasingly important in the context of the Nature Emergency declarations made by Welsh Government in June 2021, followed by that of the Council in November 2021 and the Climate Emergency declarations made by the Council in March 2019, followed by that of Welsh Government in April 2019.
3. The Corporate Plan 2023-26 contains a commitment to continue to protect its parks and green spaces through the partnership with Fields In Trust.
4. Fields in Trust (FIT) is a registered charity that protects, supports and champions parks and green spaces. The charity works to protect parks, playing fields and open spaces in perpetuity through legal agreements with landowners, most commonly local authorities.

5. Currently, ten Council owned parks and green spaces are protected with FIT. In 1952 the Council entered into an agreement with the National Playing Fields Association, now Fields In Trust to protect areas of Heath Park in perpetuity, this was followed by protection of further land on site in 2010. In December 2012 and through FIT's Queen Elizabeth II Fields Challenge initiative in celebration of the Queens Diamond Jubilee and as a legacy of the Olympic and Paralympic Games, Cabinet approved the inclusion of seven sites, these being land adjacent to Hywel Dd School in Ely, Llanishen Park, Moorland Park, Pontcanna Fields, Pontprennau Playing Fields, Roath Recreation Ground and Rumney Recreation Ground. In April 2019 and through FIT's Centenary Fields Initiative, in partnership with the British Legion to honour the memory of the millions of people who lost their lives in World War I (1914-1918), Cabinet approved the inclusion of two sites, Alexandra Gardens and Grange Gardens.
6. In addition to the Council owned sites afforded protection, Creigiau Recreation Ground in the Pentyrch & St.Fagans ward which is owned by Pentyrch Community Council and Ty'r Winch Recreation Ground in the Pontprennau & Old St.Mellons ward which is owned by Old St.Mellons Community Council were also protected as part of FIT's 2012 Queen Elizabeth II Fields Challenge.

Issues

7. Any sites nominated for protection are required to meet FIT's seven criteria, detailed below :
 - You must own the space by having a freehold interest or a leasehold interest of at least 99 years. Tenants will need to have the consent of their landlord for the dedication of the space for the duration of the lease or by the landlord becoming a party to the Deed or Minute.
 - We can protect leased areas of land within a green space but ask that the leaseholder agree to be party to the Deed.

Spaces and Facilities Suitable for Protection

- Your green spaces must be used for informal physical activity and recreation, or formal sport. We use a wide definition of recreation to encompass woodland, gardens, nature reserves, country parks, playing fields and playgrounds.
- Your green space should be at least 0.2ha in size but we will consider protecting smaller spaces where their value to the local community can be demonstrated.
- Your green space must have some form of permanent public access, whether that's by being open to the public or, in the case of a sports club, by having an open membership policy.

Spaces and Facilities not Suitable for Protection

- Any green space where public access is restricted by exclusive events and activities that take up more than 50% of the space, for more than three months in a calendar year.
 - Facilities owned by or leased to private clubs.
8. In addition to the above and in identifying the group of sites proposed for protection, the rationale for site selection is aligned with FIT's focus on protecting parks and green spaces on the following basis:
- Parks and Green Spaces in wards that are deficient in open space as measured against FIT's Green Space Index, as any loss would exacerbate the deficiency.
 - Parks and Green Spaces in wards which have Lower Super Output Areas that are in the top of 20% deprived areas in Wales (Welsh Index of Multiple Deprivation) as FIT's research indicates that lower socio-economic groups apportion greater value to parks and green spaces.
 - Parks and green spaces in wards that do not currently have a Council owned Fields in Trust protected site.
 - Parks and green spaces which include Functional Open Space (open space designated for play, sport and active recreation). This is measured by the Council and counted against a standard adopted in the Local Development Plan, which was devised by FIT. This standard recommends a minimum of 2.43ha per 1000 population. Protecting these spaces will help prevent deficiencies.
9. Eleven sites are proposed for protection as listed below. The matrix at Appendix A aligns the sites to the criteria as set out under item 8, and a qualifying threshold of meeting three out of four requirements is proposed.
- Cemetery Park - Adamsdown
 - Craiglee Drive - Butetown
 - Trelai Park - Caerau
 - Sanatorium Park - Canton
 - Rhydypenau Park - Cyncoed
 - Fairwater Park - Fairwater
 - Hailey Park - Llandaff North
 - Parc Waun Fach - Pentwyn
 - Westfield Park - Pentyrch & St Fagans
 - Heol Llanishen Fach - Rhiwbina
 - Caerleon Park - Trowbridge

10. Protection is established through the Council entering into a Deed of Dedication with Fields in Trust. The Deed is a non-charitable legal agreement requiring the Council to preserve and maintain the land as a public park/playing field/open space. Ownership, management and maintenance will remain with the Council but any disposals (sales/leases/granting of rights) and changes of use falling outside the agreed use will require FIT's consent.
11. By entering into a Deed of Dedication there will be no restrictions or controls imposed, in respect of public access and / or the use of the proposed sites and their facilities for the full range of current purposes.
12. Through the deed Fields in Trust are not able to control and / or intervene in respect of the provision of site features and / or any requirements to achieve specific maintenance regimes and standards relating to them. The Council will continue to control to make decisions in this respect without requiring consultation or approval.
13. The use of the proposed sites will be continuous, consistent with FIT's objectives, which, in addition to protection promote the use of parks and green spaces for recreational use, both passive and active, social cohesion, mental well-being, healthy lifestyles and community benefit.
14. The extent of the land proposed for inclusion for dedication, for the eleven sites and within a red line is indicated on the plans attached at Appendix B.
15. It should be noted that part of Hailey Park, donated by Mr Claude Hailey in 1924 is already held in a charitable trust having been enrolled with The Charity Commission. As such the land in question which is hatched in blue on the Hailey Park plan attached at Appendix B is already afforded protection under charity law and could not be disposed of without The Charity Commission approval. The area is therefore excluded from being protected with FIT.
16. Other areas within the 11 sites are also excluded because they are not compatible with the objects of the deed. These are the Dwr Cymru Pumping Stations at Hailey Park and Westfield Park and the Children's Nursery at Trelai Park.
17. There is one area subject to a lease with a third party, this being the ski slope at Fairwater Park, as this is compatible use the Council will seek inclusion within the dedication, subject to agreement with the leaseholder being signatory to the deed.
18. The costs associated with the proposals set out within this report can be met within existing budgets.
19. It is proposed that a locality consultation exercise will commence in June, for a period of six weeks seeing notices explaining the proposals being

installed within the eleven sites. Stakeholders groups of the eleven sites will be consulted directly.

20. A map showing the distribution of the current Council and Community Council owned sites protected through Fields In Trust, and those Council owned sites proposed for protection is attached at Appendix C. The map shows that through the proposals the percentage of population within a ten-minute walk of a protected site will increase from an estimated 43% (159,000) to an estimated 69% (254,000).

Local Member Consultation

21. Initial consultation has taken place in those wards effected.

Reason for Recommendations

22. To ensure the protection of the Council's parks and green spaces set out in this report, in perpetuity, by entering into Deed of Dedication with Fields In Trust.

Financial Implications

23. This report recommends entering into a Deed of Dedication with Fields in Trust (FIT) for an additional 11 sites across the Council estate. It is assumed that a full appraisal has been carried out in terms of suitability of sites. This will commit the Council to continued use of these sites in line with current purposes and in accordance with FIT objectives and therefore the ongoing operational and management liabilities for these sites.
24. Decision makers should take assurance that this does not constrain the Council's ability to make efficiencies or to identify the potential for future savings in associated revenue operational budgets.
25. Additionally, FIT consent will be required prior to any decision making with regard to change of use of the sites. In the event this decision is approved, it should be noted that this could restrict the potential for alternative use, sale and/or disposal of associated land asset for future generations and the capital receipts which may be available as a result.

Legal Implications

26. The purpose of this report is to provide further protection the Council's parks and green spaces by authorising the entering into of a Deed of Dedication with Fields in Trust, which will require FIT to consent to future dealings with the land. The deed of dedication does not dispose of the land to FIT or intended use, but does allow FIT to have a say in future land dealings. A restriction on the title will be added to the title of the Property at Land Registry preventing dispositions.

The Council has wide powers under the general power of competence pursuant s.24 Local Government and Elections (Wales) Act 2021 do

anything which any person may do, including anything whatsoever for the benefit of its area or person resident or present in its area.

Equality Duty

27. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
28. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers ([WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 \(gov.wales\)](#)) and must be able to demonstrate how it has discharged its duty.

Well Being of Future Generations (Wales) Act 2015

29. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
30. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2023-26. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
31. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
 - i) Look to the long term

- ii) Focus on prevention by understanding the root causes of problems
 - iii) Deliver an integrated approach to achieving the 7 national well-being goals
 - iv) Work in collaboration with others to find shared sustainable solutions
 - v) Involve people from all sections of the community in the decisions which affect them
32. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:
- <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
33. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

HR Implications

34. There are no HR implications arising directly from this report.

Property Implications

35. Strategic Estates have recently worked closely with Finance and Legal colleagues on land held in Trust, which was subject to a separate Cabinet Report in March 2024. Many of the principles outlined in this report will be relevant to the future management of FIT Parks.
36. As part of the proposed consultation, it is recommended that any existing and future proposed activities and uses on the land is reviewed and the occupation considered and/or documented, in order that any implications relating to the land to be nominated for protection under FIT is fully considered to ease future management.
37. The Strategic Estates Department will continue to work closely with Parks and Legal colleagues to ensure individual properties within the eleven designated locations are managed in accordance with the relevant governing legislation and required processes.
38. There are no further specific property implications in respect of this report. Where there are property transactions, management strategies or valuations required to deliver any proposals in the relevant locations, they will be done so in accordance with the Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

RECOMMENDATIONS

Cabinet is recommend to :

- 1) Approve in principle (and subject to the outcome of the consultation exercise set out within this report) the list of sites for protection attached at Appendix A.
- 2) Approve the commencement of a consultation exercise set out within this report the outcome of which to be reported back at a future Cabinet meeting.

SENIOR RESPONSIBLE OFFICER	NEIL HANRATTY DIRECTOR ECONOMIC DEVELOPMENT
	11 April 2024

The following appendices are attached:

Appendix A - Sites Matrix

Appendix B - Site Plans

Appendix C - Site Distribution Map

Appendix D - Single Impact Assessment

Appendix A: Sites Matrix

No.	Site	Ward	Hectarage	Area Deficient in Green Space	Top 20% Most Deprived	No Existing Sites Within Ward	Functional Open Space	Totals
1	Cemetery Park	Adamsdown	0.81	✓	✓	✓	✓	4/4
2	Craiglee Drive	Butetown	1.25	✓	✓	✓	✓	4/4
3	Trelai Park	Caerau	34.79	✓	✓	✓	✓	4/4
4	Sanatorium Park	Canton	6.42	✓	✓	✓	✓	4/4
5	Rhydypenau Park	Cyncoed	2.72	✓	X	✓	✓	3/4
6	Fairwater Park	Fairwater	13.08	✓	✓	✓	✓	4/4
7	Hailey Park	Llandaff North	24.76	X	✓	✓	✓	3/4
8	Parc Waun Fach	Pentwyn	6.45	✓	✓	✓	✓	4/4
9	Westfield Park	Pentyrch & St Fagans	4.27	✓	X	✓	✓	3/4
10	Heol Llanishen Fach	Rhiwbina	2.4	✓	X	✓	✓	3/4
11	Caerleon Park	Trowbridge	0.91	✓	✓	✓	✓	4/4

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CARDIFF COUNTY COUNCIL**



**CHIEF EXECUTIVE
Paul Orders**

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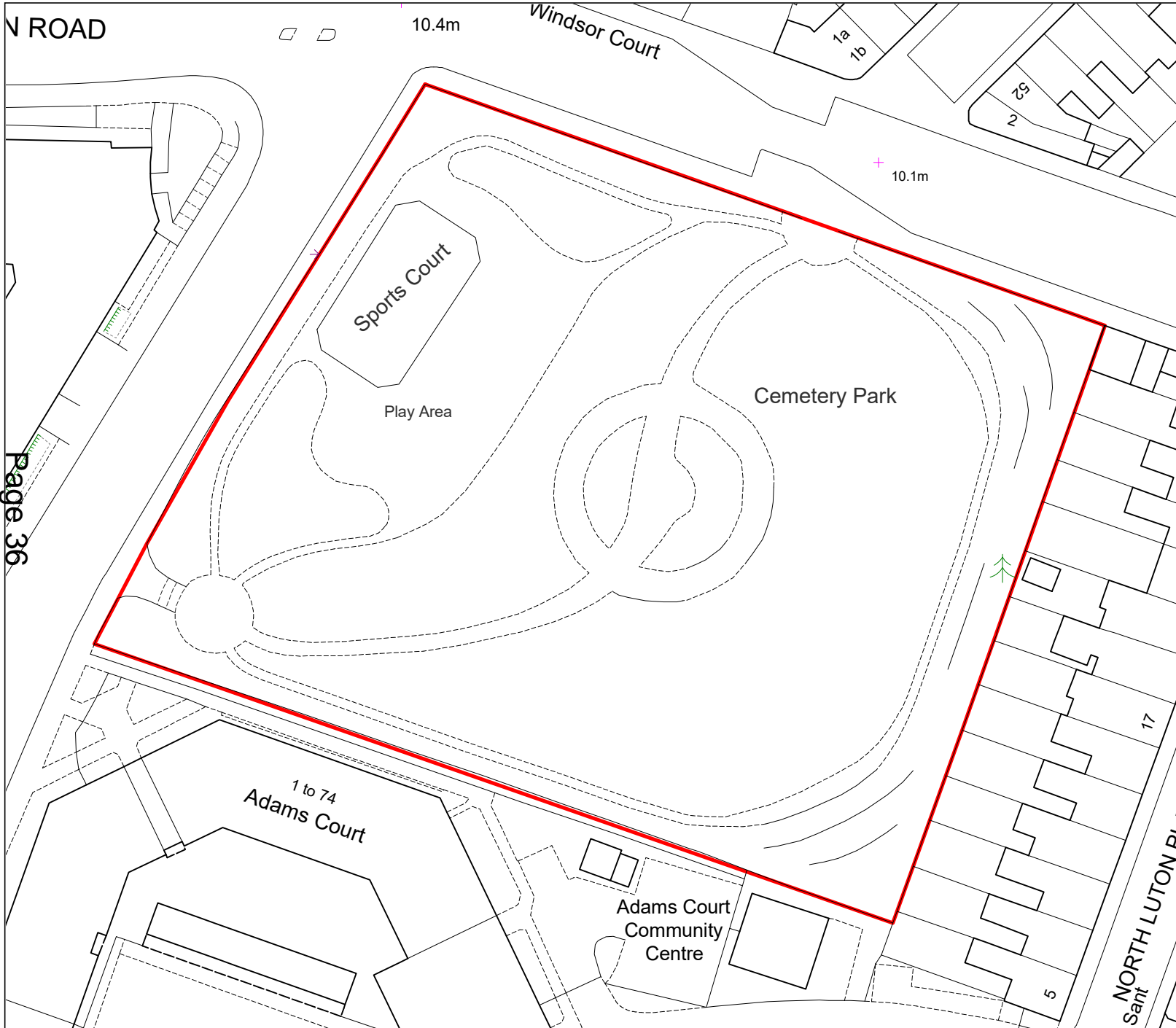
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Caerleon Park

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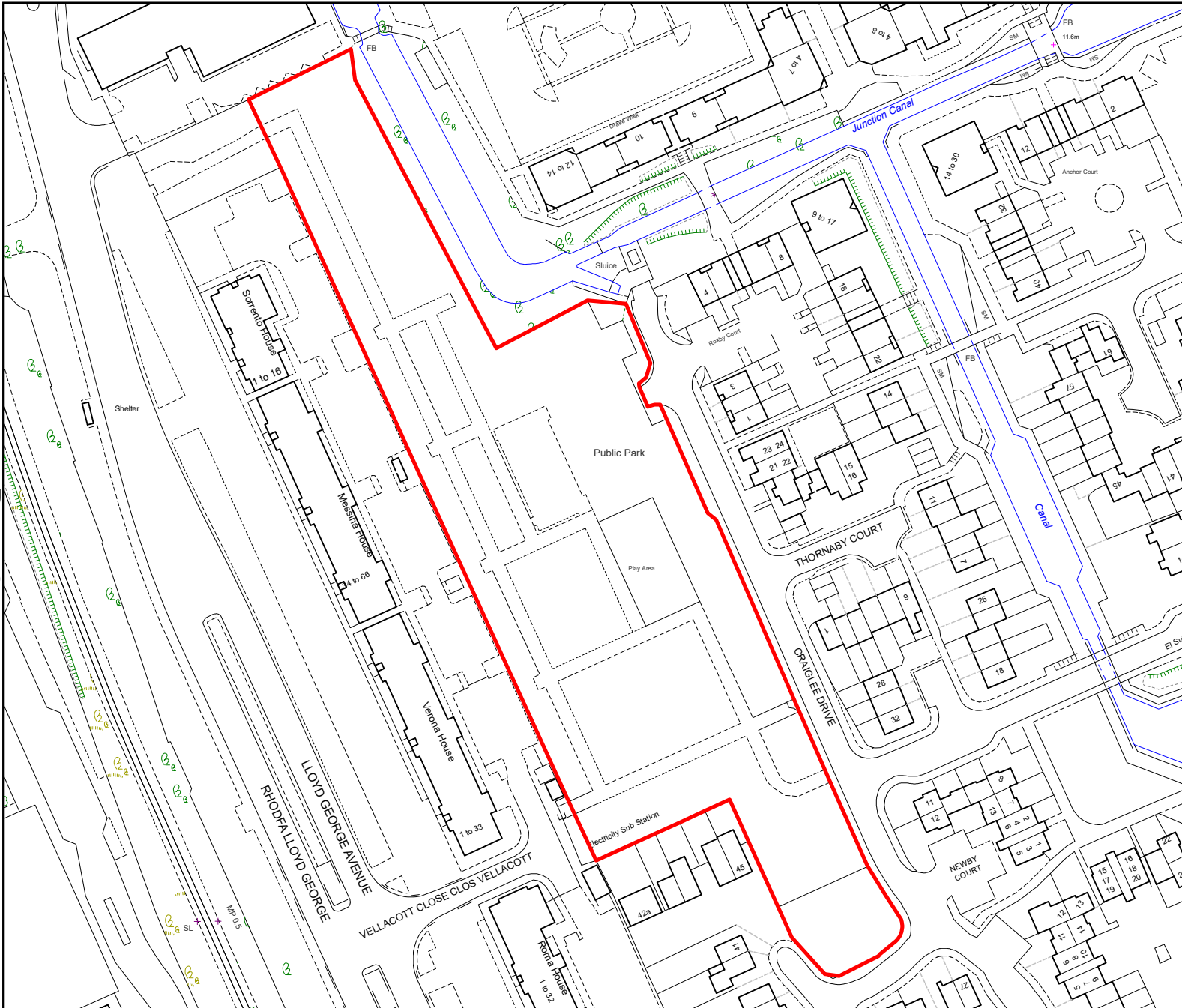
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Cemetery Park

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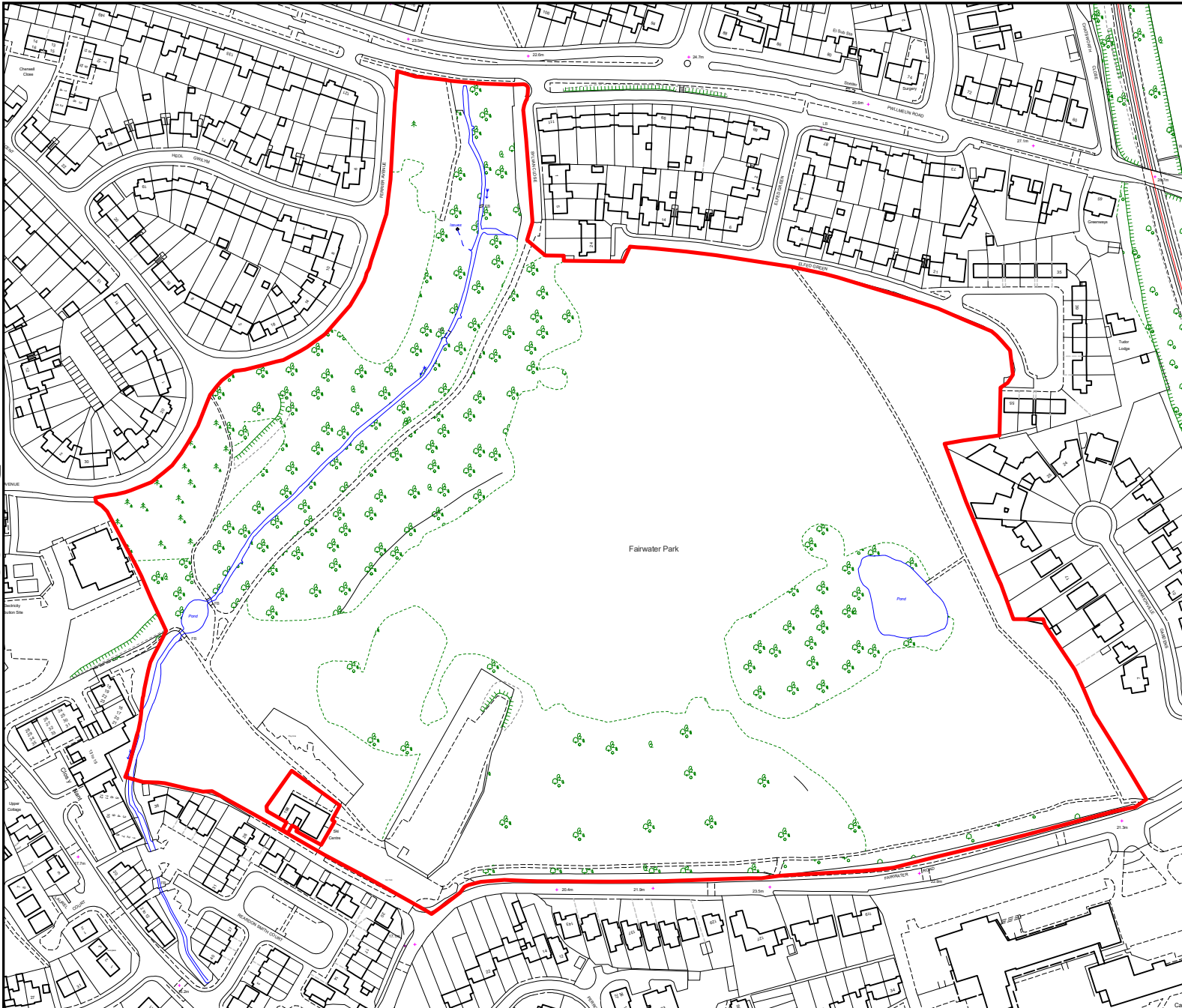
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Craiglee Drive Open Space

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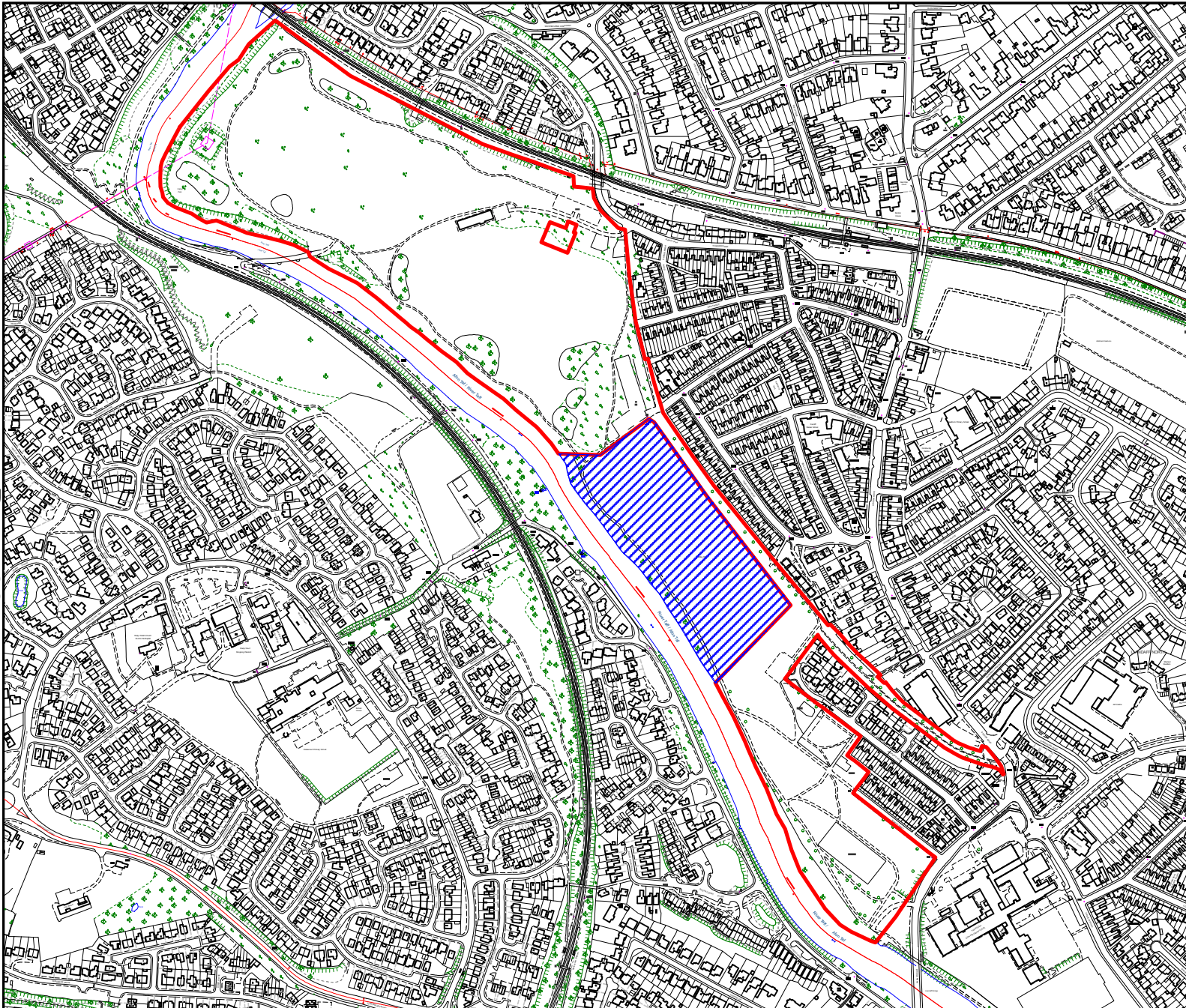
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Fairwater Park

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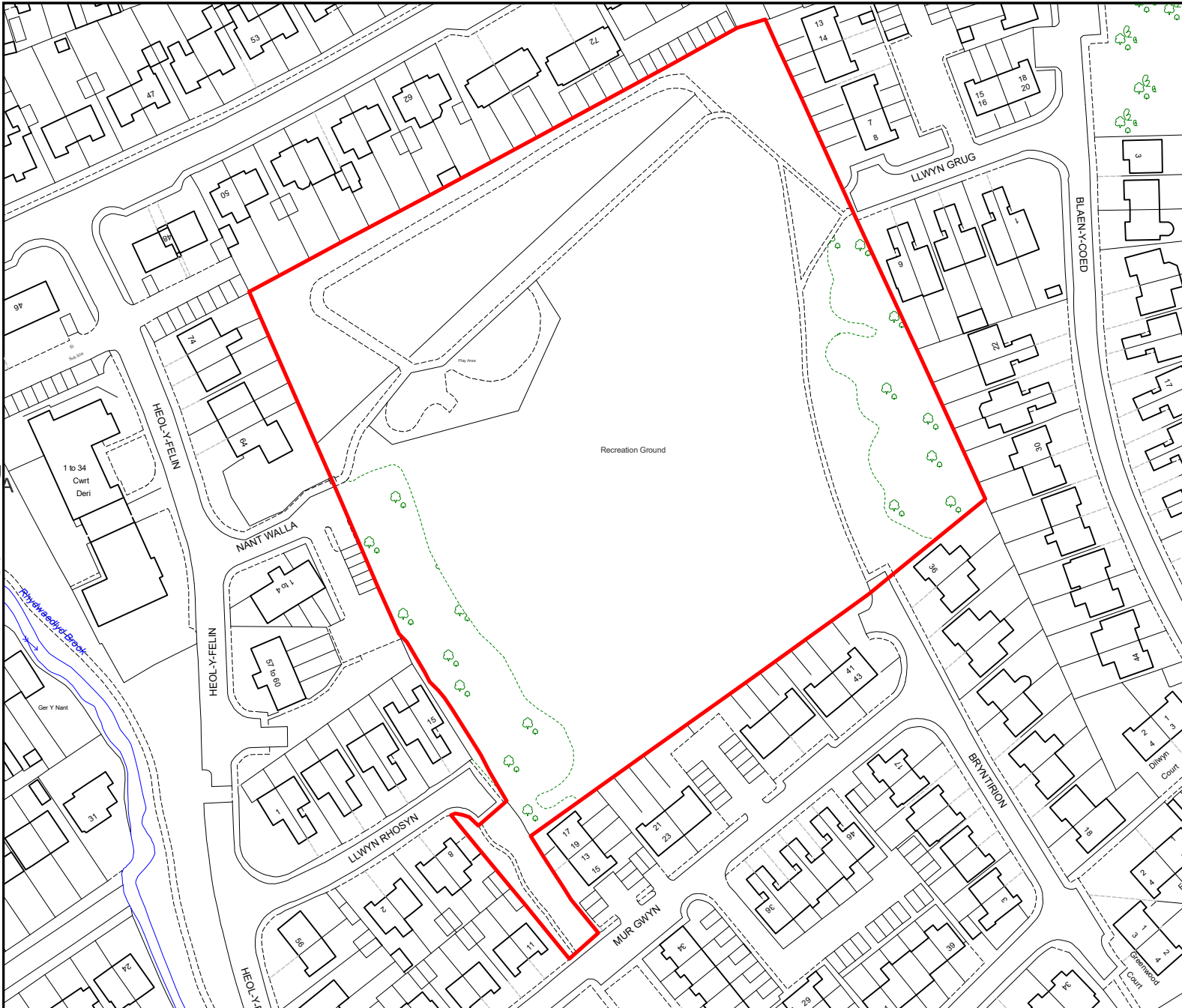
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Hailey Park

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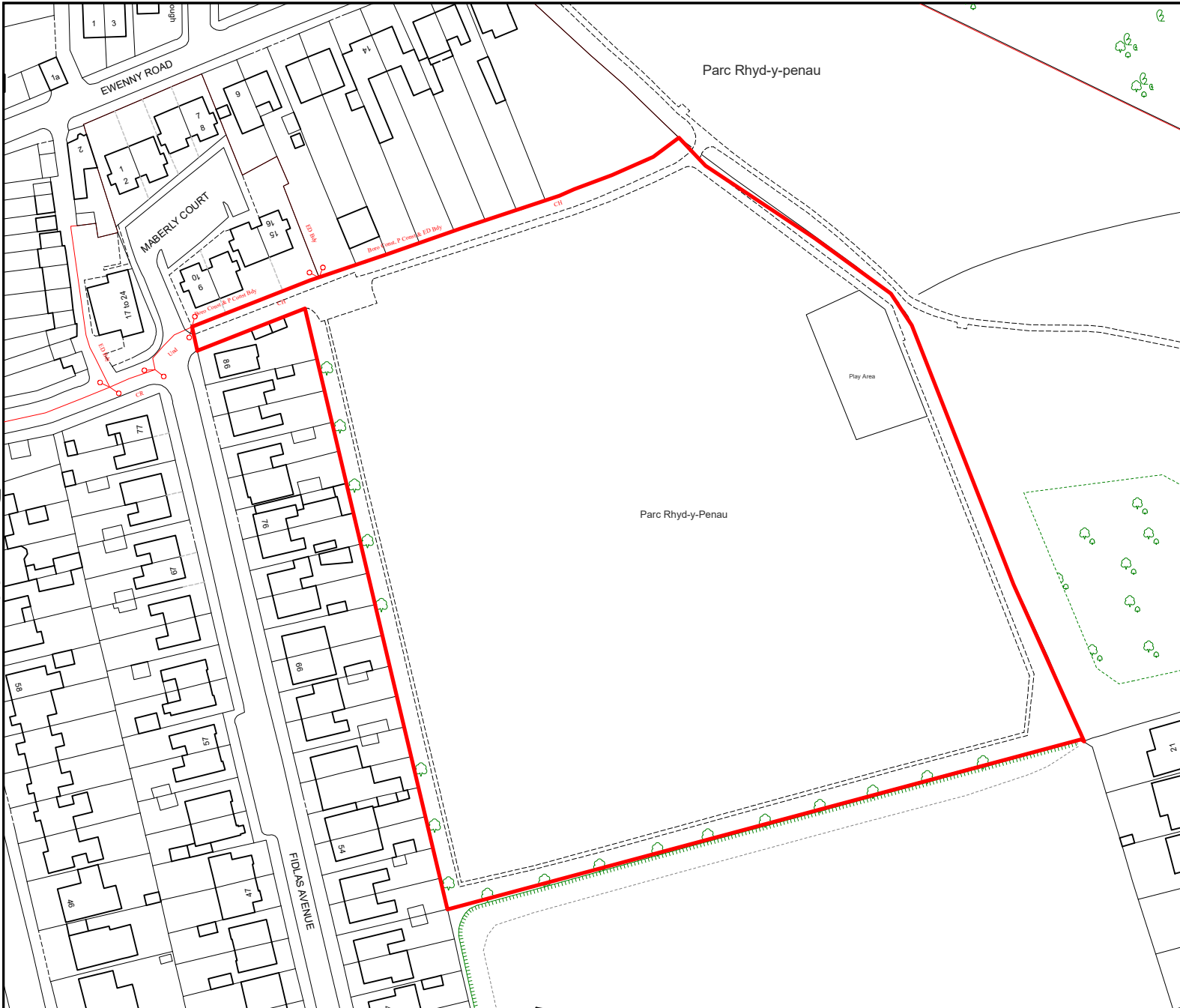
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Heol Llanishen Fach Open Space

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Parc Rhydypenau

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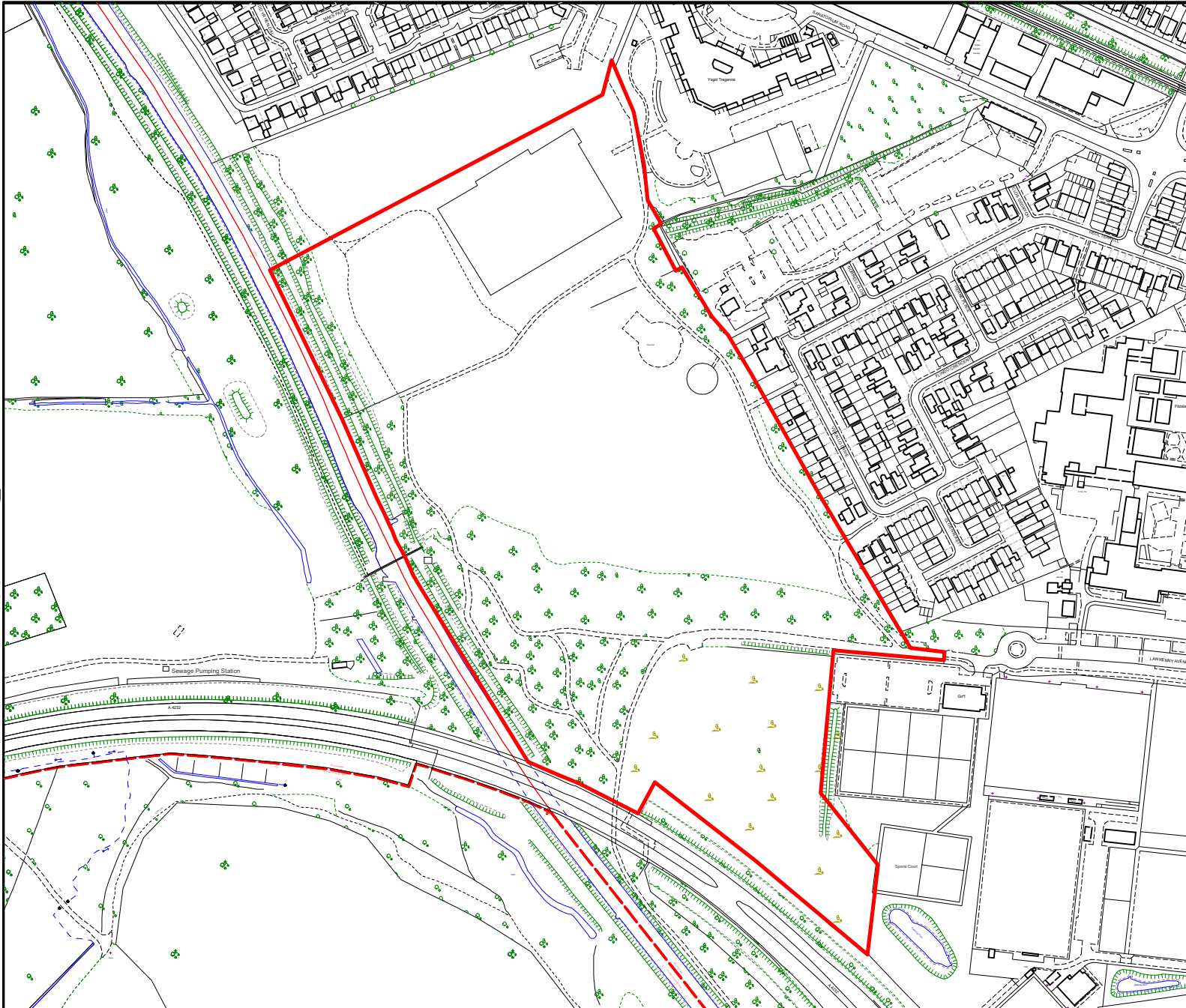
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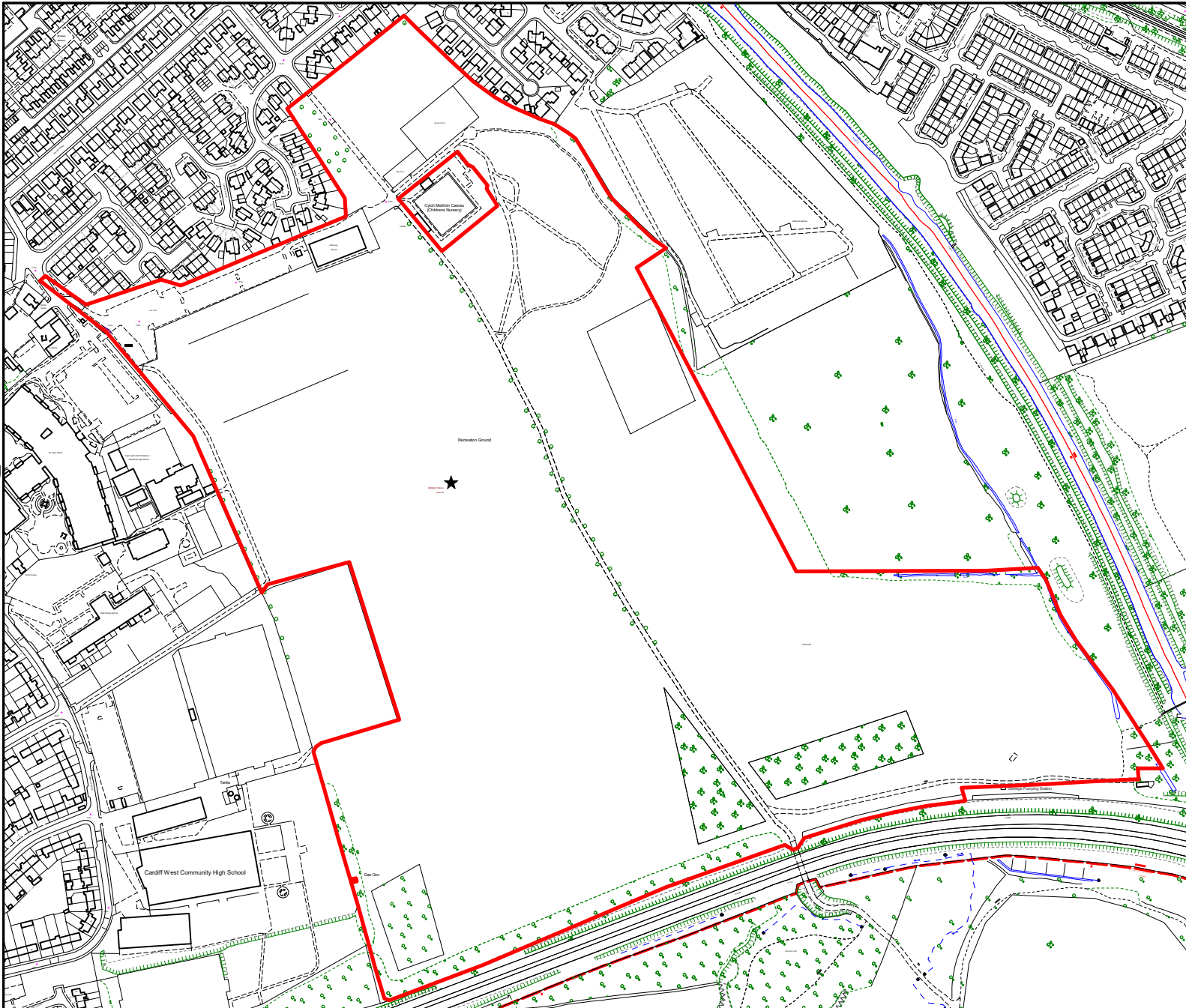
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Sanatorium Park

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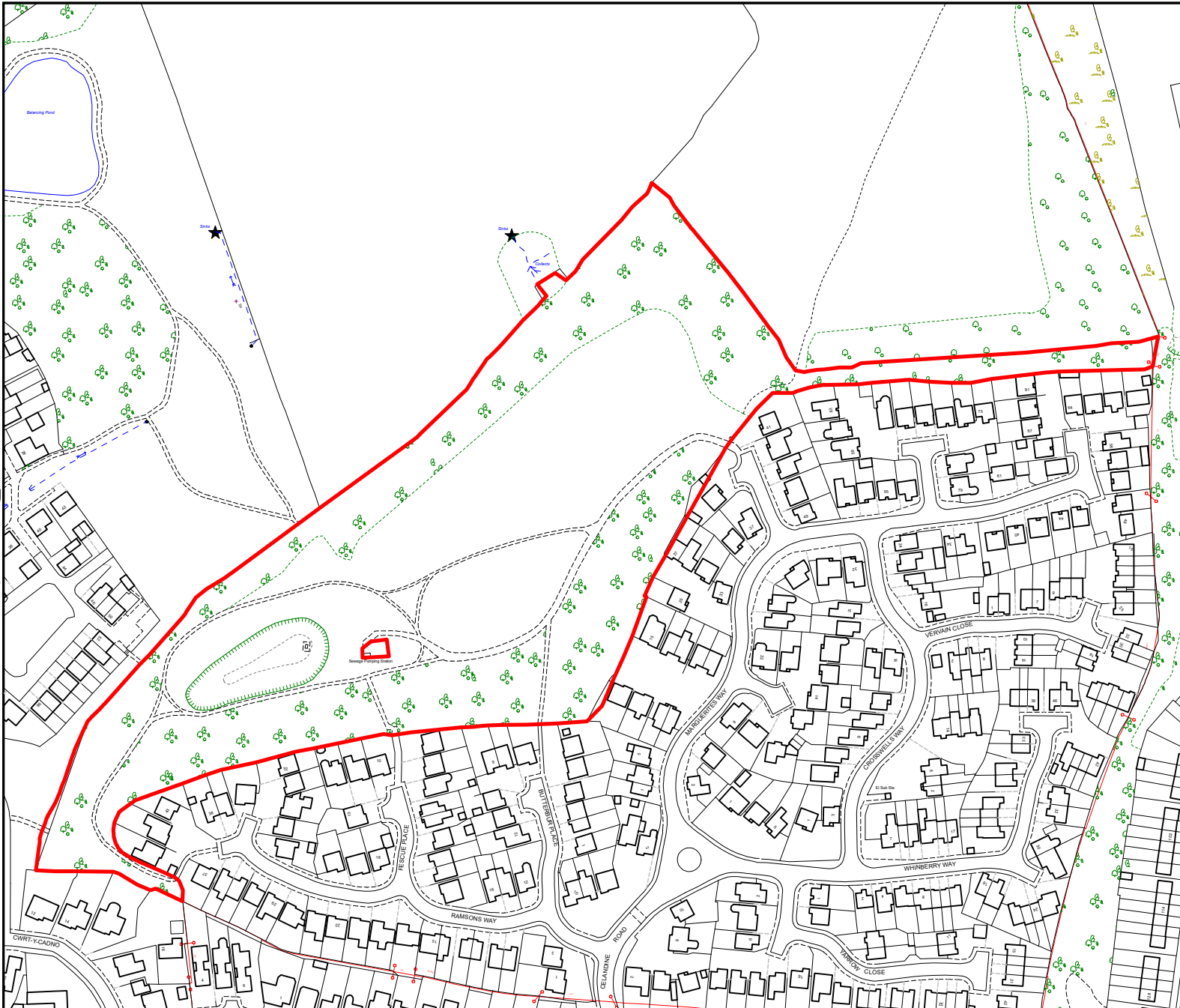
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Trelai Park

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Westfield Park

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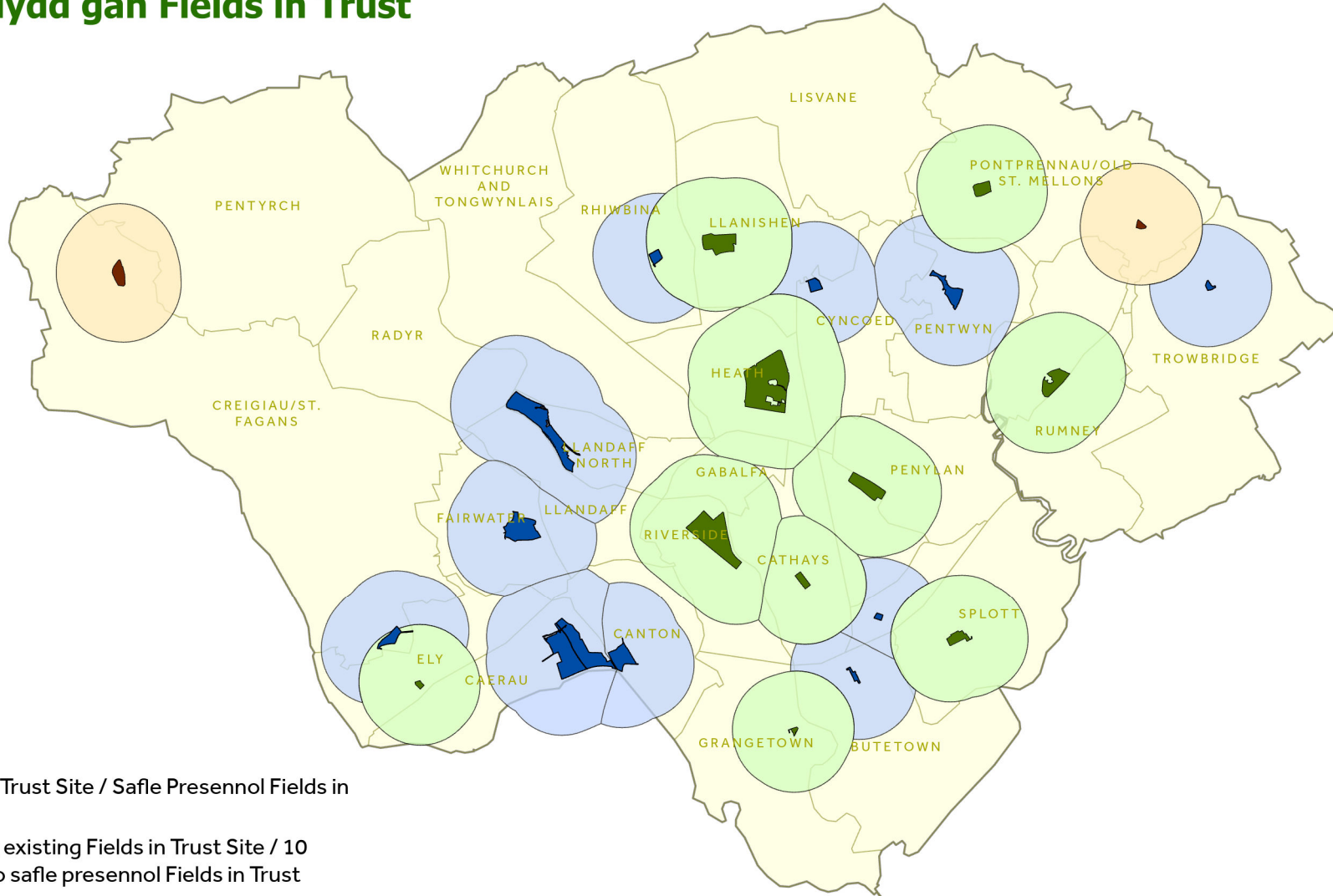
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Existing and proposed protections in Cardiff by Fields in Trust

Amddiffyniadau presennol ac arfaethedig yng Nghaerdydd gan Fields in Trust



Key/Allwedd

- Existing Fields in Trust Site / Safle Presennol Fields in Trust
- 10 min walk from existing Fields in Trust Site / 10 munud ar droed o safle presennol Fields in Trust
- Community Council Fields in Trust Site / Safle Cymuned Fields in Trust
- 10 min walk from Community Council Fields in Trust Site / 10 munud ar droed o safle Fields in Trust Cymuned
- Proposed Fields in Trust Site / Safle Arfaethedig Fields in Trust
- 10 min walk from proposed Fields in Trust Site / 10 munud ar droed o safle arfaethedig Fields in Trust

Existing population within a ten-minute walk of a protected space
Poblogaeth bresennol o fewn taith gerdded ddeg munud i fan gwarchoddedig

159 000
43 %

New total population within a ten-minute walk of a protected space
Cyfanswm poblogaeth newydd o fewn taith gerdded 10 munud i fan gwarchoddedig

254 000
69 %

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Single Impact Assessment

Cardiff Council



1. Details of the Proposal

What is the proposal?	
Title:	Fields In Trust

Is this a new proposal or are you amending an existing policy, strategy, project, procedure or service?	
New	<input checked="" type="checkbox"/>
Existing	<input type="checkbox"/>

Directorate/Service Area:	
Economic Development / Parks Services	

Who is developing the proposal?	
Name:	Jon Maidment
Job Title:	Head of Parks & Harbour Authority

Responsible Lead Officer (Director or Assistant Director):	
Neil Hanratty – Director Economic Development	

Cabinet Portfolio:

Culture, Parks & Events

Authorisation

Completed By:

Jon Maidment

Job Title:

Head of Parks & Harbour Authority

Date:

2/4/24

Approved By:

Neil Hanratty

Job Title:

Director - Economic Development

Version	Author	Job Title	Date
2	JM	Head of Parks & Harbour Authority	2/4/2024

2. Overview of the Proposal

What action is the Council considering and why?

Please provide a detailed outline of the proposal. This information will support your findings in the impact assessments.

The Council is seeking to continue its policy of protecting parks and green spaces by entering into a deed of dedication with Fields In Trust (FIT), for eleven sites across the city. Post dedication any disposal / development of sites can only take place with the consent of FIT. In approving the proposal access to sites will be afforded in perpetuity.

The eleven sites / wards proposed for protection are listed below :

- Cemetery Park - Adamsdown
- Craiglee Drive - Butetown
- Trelai Park - Caerau
- Sanatorium Park - Canton
- Rhydypenau Park - Cyncoed
- Fairwater Park - Fairwater
- Hailey Park - Llandaff North
- Parc Waun Fach - Pentwyn
- Westfield Park - Pentyrch & St Fagans
- Heol Llanishen Fach - Rhiwbina
- Caerleon Park - Trowbridge

What are the costs and/or savings?

What will the proposal cost and how will it be funded?

How might costs be reduced through involvement and collaboration, across Cardiff Council and/or with external stakeholders?

Are there savings and how will these be realised?

The costs relating to this proposal are estimated to be in the region of £500, relating to land registry fees and will be funded through the parks revenue budget. The Council is required to meet these costs and there are no opportunities cost sharing / reduction with stakeholders.

No savings will be generated as a result of this proposal.

3. Impact Assessments

Which impact assessments do you need to complete to support your proposal?

Further information is included about each assessment at the start of the relevant section.

The [Impact Assessment Screening Tool](#) provides advice tailored to your proposed policy, strategy or project regarding which impact assessments may be required and who to contact to find out more.

The screening tool is an online form with mainly multiple-choice questions which should take less than 10 minutes to complete.

Once the answers have been submitted, an automated email will be sent to you with the recommended next steps and details of who to contact for expert advice.

Put Yes or No next to each of the impact assessments listed below to indicate which ones are being carried out. For assessments which are not being carried out, please delete the relevant sections on the subsequent pages.

Impact Assessment	Completed: Y/N
A. Equality Impact Assessment	Y
B. Child Rights Impact Assessment	N
C. Welsh Language Impact Assessment	N
D. Habitats Regulations Assessment	N
E. Strategic Environmental Assessment	N
F. Data Protection Impact Assessment	N
G. Health Impact Assessment	N

For further information on all the above impact assessments including who to contact for advice, please visit the [Policy Portal](#).

A: Equality Impact Assessment

Guidance in completing this assessment can be accessed [here](#). Please consult the Equality Team for any further assistance with completing this assessment EqualityTeam@cardiff.gov.uk

Under the Equality Act 2010, “differential impact” means that people of a particular protected characteristic (e.g. people of a particular age) will be significantly more affected by the change than other groups.

Impact on the Protected Characteristics

Age

Will this proposal have a **differential impact [positive/negative]** on different age groups?

	Yes	No	N/A
Up to 18 years			X
18 - 65 years			X
Over 65 years			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The proposal will have a positive impact on people of all ages as it will afford protection for parks and green spaces.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Disability

Will this proposal have a **differential impact [positive/negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment			X
Learning Disability			X
Long-Standing Illness or Health Condition			X
Mental Health			X
Neurodiversity			X
Physical Impairment			X
Substance Misuse			X
Visual Impairment			X
Other			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Gender Reassignment

Will this proposal have a **differential impact [positive/negative]** on transgender people?

	Yes	No	N/A
Transgender People (Transgender people are people whose gender identity or gender expression is different from the gender they were assigned at birth.)			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Marriage and Civil Partnership

Will this proposal have a **differential impact [positive/negative]** on marriage and civil partnership?

	Yes	No	N/A
Marriage			X
Civil Partnership			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Pregnancy and Maternity

Will this proposal have a **differential impact [positive/negative]** on pregnancy and maternity?

	Yes	No	N/A
Pregnancy			X
Maternity			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Race

Will this proposal have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
White			X
Mixed / Multiple Ethnic Groups			X
Asian / Asian British			X
Black / African / Caribbean / Black British			X
Other Ethnic Groups			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Religion, Belief or Non-Belief

Will this proposal have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
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Buddhist			X
Christian			X
Hindu			X
Humanist			X
Jewish			X
Muslim			X
Sikh			X
Other belief			X
No belief			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Sex

Will this proposal have a **differential impact [positive/negative]** on male, female or non-binary persons?

	Yes	No	N/A
Male persons			X
Female persons			X
Non-binary persons			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Sexual Orientation

Will this proposal have a **differential impact [positive/negative]** on people with different sexual orientations?

	Yes	No	N/A
Bi			X
Gay			X

Lesbian			X
Heterosexual			X
Other			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Socio-economic Duty

Is the change anticipated to reduce or contribute to inequality of outcome as a result of socio-economic disadvantage? (e.g. will the change negatively impact on those on low-incomes or those living in deprived areas?)

	Yes	No	N/A
Socio-economic impact			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Parks and Green Spaces in wards which have Lower Super Output Areas that are in the top of 20% deprived areas in Wales (Welsh Index of Multiple Deprivation) as FIT's research indicates that lower socio-economic groups apportion greater value to parks and green spaces.

The use of the proposed sites will be continuous, consistent with FIT's objectives, which, in addition to protection promote the use of parks and green spaces for recreational use, both passive and active, social cohesion, mental well-being, healthy lifestyles and community benefit.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Welsh Language

Will this proposal have a **differential impact** [positive/negative] on the Welsh language?

	Yes	No	N/A
Welsh language			X

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

No differential impacts identified.

What action(s) can you take to address the differential impact?

No actions identified.

Consultation and Engagement

What arrangements have been made to consult/engage with equality/ community organisations, especially those who are representative of those you have identified as being likely to be affected?

Although no differential impacts have been identified a locality and direct stakeholder consultation exercise will be carried out before and prior to any decisions being undertaken. The locality and direct stakeholder consultation is likely to involve individuals within groups of protected characteristics.

Summary of Actions (Listed in the sections above)

	Actions
Age	
Disability	
Gender Reassignment	
Marriage & Civil Partnership	
Pregnancy & Maternity	
Race	
Religion/Belief	
Sex	
Sexual Orientation	
Socio-economic Impact	
Welsh Language	
Generic/ Over-Arching (applicable to all the above groups)	A locality and direct stakeholder consultation exercise will be undertaken.

Next Steps

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

Where the Equality Impact Assessment shows negative impacts, you must append the form to the Cabinet or Officer Decision Report.

On completion of this Assessment, please ensure that the whole form is submitted to the Equality Team mailbox so that there is a record of all assessments undertaken in the Council EqualityTeam@cardiff.gov.uk

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**CYNGOR CAERDYDD
CARDIFF COUNCIL****ECONOMY & CULTURE SCRUTINY COMMITTEE****14 MAY 2024**

CORRESPONDENCE UPDATE

Background

1. Following most Committee meetings, the Chair writes a letter to the relevant Cabinet Member or officer, summing up the Committee's comments and recommendations regarding the issues considered. At the Committee meeting on 23 April 2024, Members received a report detailing the correspondence sent and received up to that meeting.

2. Correspondence has been sent since that meeting and the current position is set out below:
 - i. **Response Received** – from Councillor Goodway, Cabinet Member – Investment and Development, to the Chair, Councillor Wong's public letter, following pre-decision scrutiny of the report to Cabinet – Atlantic Wharf Regeneration Update, considered at Committee on 16 January 2024.
 - ii. **Response Received** – from Councillor Goodway, Cabinet Member – Investment and Development, to the Chair, Councillor Wong's confidential letter, following pre-decision scrutiny of the report to Cabinet – Atlantic Wharf Regeneration Update, considered at Committee on 16 January 2024.
 - iii. **Response Awaited** – from Councillor Thomas, Leader, to the Chair, Councillor Wong's public letter, following policy review scrutiny of city centre management; approach to busking arrangements, considered at Committee on 19 March 2024.
 - iv. **Partial Response Received** – from Councillor Burke, Cabinet Member – Culture, Parks and Events, to the Chair, Councillor Wong's public letter, following scrutiny of the contract with GLL Better Leisure

and progress in addressing the Audit Wales recommendations from the Leisure Services Follow Up Review, considered at Committee on 23 April 2024. Information requested to follow by the end of May 2024.

- v. **Partial Response Received** – from Councillor Burke, Cabinet Member – Culture, Parks and Events, to the Chair, Councillor Wong’s confidential letter, following scrutiny of the contract with GLL Better Leisure and progress in addressing the Audit Wales recommendations from the Leisure Services Follow Up Review, considered at Committee on 23 April 2024. Information requested to follow by the end of May 2024.
- vi. **Response Awaited** – from Councillor Bradbury, Cabinet Member – Tackling Poverty, to the Chair, Councillor Wong’s public letter, following part one of the Employment Services Short Scrutiny.

3. There are two full responses awaited and two partial responses. Copies of the Chair’s letters and any public responses received can be found on the Council’s website page for the relevant Committee meeting, with a hyperlink provided at the top of the page, entitled ‘*correspondence following the committee meeting*’. Confidential letters have been circulated to Committee Members.

Way Forward

4. During the meeting, Members are able to discuss the correspondence update

Legal Implications

5. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the

Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

6. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to reflect on the update on correspondence.

Leanne Weston
Interim Deputy Monitoring Officer
08 May 2024

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