



Cabinet Meeting

10 September 2014

Report title	Reduction of Play Service Provision	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Val Gibson Children and Families	
Key decision	Yes	
In forward plan	Yes	
Wards affected	St Peter's, Fallings Park and Bushbury South and Low Hill	
Accountable director	Sarah Norman, Communities	
Originating service	Early Help 0 – 5 years	
Accountable employee(s)	Andrew Wolverson	Head of Service
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Report to be/has been considered by	Strategic Executive Board	14 August 2014
	Children & Young People Scrutiny Panel	14 August 2014
	Cabinet	10 September 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Agree to a six week period of consultation with users and stakeholders outlining proposals for a reduction in the Play Service budget.
2. Subject to the consultation not identifying a significantly different proposal to the one outlined within this report, the Cabinet Member for Children and Families in consultation with the Strategic Director Community be authorised to approve the closure of the Gatis Street and Scotlands Adventure Playgrounds, and to declare the sites surplus to the operational requirements of the Play Service and then promote them for a Community Asset Transfer if appropriate.
3. Agree to maintain Old Fallings Adventure Playground through funding from Short Breaks and Public Health.
4. Receive a further report in the event that a significant proposal to the one outlined within this report is identified during the consultation.

Recommendations for noting:

The Cabinet is asked to note:

The feedback from Children and Young People scrutiny panel as set out in appendix 1.

1.0 Purpose

- 1.1 The purpose of this report is to set out proposals for a reduction in the current play service provision leading to the removal of funding for two out of the current three adventure playground sites.
- 1.2 The report will also outline proposals for the utilisation of funding from Public Health and Aiming Higher for Disabled Children grants in order to continue provision at Old Fallings Adventure Playground

2.0 Background

- 2.1 Wolverhampton Play Service has been in existence since 1972. Until 2012 it operated six open access adventure playground sites across the city, however this reduced to three following savings requirements. In 2010 the Play Service secured funding from the Department for Education (formerly Department for Children, Schools and Families to develop a purpose built, state of the art play facility which was located in Low Hill.
- 2.2 The service has always targeted the most deprived areas of Wolverhampton bringing access to high quality play experiences that build self-confidence, self-esteem and socialisation skills. In addition to the adventure playgrounds this has also been through running open access holiday provision within local parks across the City.
- 2.3 The play service supports the Council in meeting its statutory duty to to secure, as far as is practicable, sufficient services and activities to improve the wellbeing of young people (section 507B of the Education Act 2006).
- 2.4 The review of the Play Service is necessitated as part of the overall Social Inclusion savings target for 2015/16 of £1 million and will result in savings of £456,000.

3.0 Proposal

- 3.1 Cabinet are requested to consider proposals for the reduction of funding available for the play facilities currently offered at Gatis Street, Scotlands and Old Fallings Adventure Playgrounds.
- 3.2 In consultation with senior colleagues within Public Health, funding has been sourced to enable the continuation of provision from Old Fallings Adventure Playground in line with the desire to reduce obesity through increasing activity levels amongst families.
- 3.3 Old Fallings has been selected as the site to retain as it was purposely built through funding from the Department for Education (formerly DCSF) in 2010. In addition to this it has the widest range of facilities including specialist ones for children with disabilities.

3.4 The purpose of securing funding for a further one year period is to enable the completion of the re-commissioning of healthy lifestyles activities currently being undertaken by Public Health and to ascertain the viability of longer term investment in play opportunities as part of an on-going strategy.

3.5 It is intended to undertake a six week public consultation to outline the proposals to the user and the local communities. This consultation will also be used to test whether any community groups would wish to operate the Gatis Street and Scotlands Adventure Playgrounds following a Community Asset Transfer.

4.0 Financial implications

4.1 The approved budget for these play areas is £456,000. This is funded entirely from mainline General Fund resources. It is proposed that the mainline resources are surrendered in full, in order to contribute towards the approved saving of £1.0 million from Early Help services in 2015/16.

4.2 It is proposed that the remaining play area would be funded entirely from specific grant funding: £120,000 from Public Health Grant and £29,000 from Aiming Higher for Disabled Children. In addition, it is hoped that a further £10,000 of external income will be generated through use of the premises by other groups.

4.3 The estimated cost of the revised service provision for a full year in 2015/16 is £112,000, comprising £107,000 staffing costs and £5,000 (non-centralised) premises costs. The available funding is therefore sufficient to fund the proposed revised service.
[DK/08082014/W]

5.0 Legal implications

5.1 The Council is not required under any statute to provide a play service, however, given that it supports the Council in meeting its statutory duty to secure, as far as is practicable, sufficient services and activities to improve the wellbeing of young people (section 507B of the Education Act 2006) a six week period of consultation will be undertaken with the public to outline the proposals.

5.2 If any of the service were to be taken on by a new provider consideration would need to be given as to the legal aspects of such a transfer. This would need to include, but not be limited to, whether the Transfer of Undertakings, Protection of Employment (TUPE) regulations apply to those staff currently employed.
[27082014/K/RLB]

6.0 Equalities implications

6.1 A full equalities analysis was completed for the previous reduction of adventure playgrounds. It is proposed that this analysis be refreshed and updated to reflect the new proposals. The outcome of the revised analysis will be taken into consideration when implementing the proposals.

7.0 Environmental implications

- 7.1 There is the potential for any vacant building to attract anti-social behaviour for the period the building is unoccupied which may lead to deterioration in the fabric of the property. Also due to the nature of the adventure playgrounds consideration would need to be given to ensuring the safe removal external equipment to remove risk of injury to anyone accessing the site should it close.

8.0 Human resources implications

- 8.1 The proposals in this report will lead to a reduction in staffing. The proposals will require the deletion of the following posts; 1 x Play Development Manager; 1 x Senior Play Development Officer; 6 x Playwork Assistants; 0.5 Stores Person; 1 x Administration Officer and 1 x Clerical Officer.
- 8.2 The proposed restructuring required to achieve the savings would follow the Council's procedures by completing a formal consultation process including ensuring that recognised trade unions are consulted and notified at every stage of the process.
- 8.3 In line with Council policy in order to mitigate against compulsory redundancy employees would be given an opportunity to leave the service through the voluntary redundancy scheme.
- 8.4 HR and legal advice would need to be sought as to whether employees would transfer to any new operators of the adventure playground under the TUPE regulations, including in circumstances where a Community Asset Transfer has taken place.

9.0 Corporate landlord implications

- 9.1 If approved the proposals would result in the Gatis Street and Scotlands Adventure Playgrounds being declared surplus to the operational requirements of the Play Service. The land and property related savings of this proposal would only be fully realised on the disposal of sites or the re-use of the sites through a Community Asset Transfer.
- 9.2 If declared surplus the sites would initially be promoted as an opportunity for a Community Asset Transfer. This will give the Play Service the opportunity to work with community groups to develop a sustainable business case to support a Community Asset Transfer. If this is not achievable the approval from Cabinet (Resources) Panel would be sought for the disposal of the sites.

10.0 Schedule of background papers

- 10.1 Five Year Budget and Medium Term Financial Strategy 2014/15 to 2018/19, Cabinet, 23 October 2013.
Reduction of Play Service provision, Children & Young People scrutiny panel, 14 August 2014.

Appendix 1

The following is a summary of key comments from Children and Young People Scrutiny Panel about the report Reduction of play service provision

1. Cllr Mark Evans stated that the Conservative group do not accept that this report is a pre-decision scrutiny item. Cllr Evans commented that the panel were not been given sufficient prior notice to properly consider the proposals detailed in the report. Furthermore, Cllr Evans was concerned that ward councillors affected by the change had not been properly consulted about the changes in advance of the meeting.

Cllr Val Gibson outlined the reason for the late submission of the report and outlined what action had been taken by Officers to consult with ward members before the paper was presented to scrutiny panel. All ward members had been contacted and direct conversations had taken place with Councillors from St Peters ward.

Community asset transfer

2. There were concerns about the feasibility of the community groups taking the responsibilities involved in managing the sites, which under the proposals would take on the responsibilities involved in community asset transfer.

As part of the consultation period and expressions of interest from community groups, officers would undertake work to support them in undertaking a community asset transfer and the responsibilities related to this. Community Asset transfer had been successful in a previous reduction of Adventure Playground sites and saw Ettingshall Adventure Playground transferred for use to Bilston CE Primary School.

3. There was suggestion that if there was no interest from community groups in taking over the sites at Gatis Street and Scotlands Adventure that an alternative option to disposal of the site should be considered.

Further to the above question related to holding sites declared surplus that would otherwise be disposed of from the Council's property portfolio the Corporate Landlord offers the following response:

Land and property assets which are declared surplus to the Council's requirements (for the provision of operational services; income generation and future Strategic Regeneration purposes) are disposed of as soon as possible in compliance with Section 123 of the Local Government Act 1978.

Whilst being prepared for disposal these surplus assets are managed by the Corporate Landlord's Asset Management team with a finite budget provided for this purpose. Typically this budget is used to ensure site security or minimal maintenance to protect the value of the surplus assets prior to their transfer or disposal and generation of a capital receipt and/or removal of revenue liability to the Council.

Holding surplus assets back from disposal does not typically happen without significant assurance as to an intended future use, or additional budget provision being made for exceptional circumstances (which is explicitly agreed by Councillors) since the expectation is that the expenditure on the surplus assets budget will be minimised, with capital receipts and revenue savings captured at the earliest opportunity.

For these reasons it is likely that having been declared surplus to the Council's requirements all assets would be transferred or disposed of in the shortest possible timeframe to mitigate the risks of additional variable expenditure being incurred.

4. There was a query about the level of professional support that would be given to community groups, who may be interested in operating Gatis Street and Scotlands Adventure, but may not have the experience and knowledge to submit a bid and manage a scheme. Furthermore, it was commented as to whether it was appropriate to have some dedicated professional support for groups looking to take on the management of other council services across the Council.

Officers provided reassurance that support could be offered to community groups through existing resources within Early Help in developing business plans to enable them to apply for funding.

5. Reassurance was needed that any community group interested in taking over the sites would be given advice on issues of safeguarding. Furthermore that the necessary checks would be done to ensure that interested groups meet any safeguarding duties/responsibilities.

The Early Help 0-5 team would be able to provide advice and guidance to community groups in ensuring they meet legal requirements for the safeguarding of children.

Selection criteria

6. There was a need for more details about the selection criteria used to determine that the Gatis Street and Scotlands Adventure sites should be considered for closure. The report should include details about current site usage by young children.

The selection criteria were based on two main factors, current usage of sites and the facilities available at the current sites to enable future service delivery.

In relation to the first criteria usage statistics for the three sites from July 2013 to July 2014 show that there were 3163 attendances at Gatis Street adventure playground, 4441 at Scotlands and 5123 at Old Fallings respectively. This is in line with the historical trend of usage although usage overall has fallen year on year since 2012.

In respect of facilities, Old Fallings was purpose built in 2010 through funding from central government. The site was designed so that it was fully accessible by children and families with disabilities. In addition to this the site also benefits from facilities such as a training

room and catering kitchen which supports the desire to offer sessions to families around healthy lifestyles and healthy eating in line with Public Health outcomes.

Based on this evidence, Old Fallings was identified as being the preferred site to maintain going forward.

7. Concern about the risk of young people being involved crime and disorder if the sites at Scotlands and Gatis are closed. Both sites are located in deprived communities.

It is hoped that the sites will continue to be available to the community through an asset transfer. If however the provision ceases, work will be done within the specific communities to highlight the range of community activities and groups that operate within the local area that could support families in preventing their children becoming involved in anti-social behaviour. The age range of the children who attend, 5 – 12 years, should also restrict the potential for such behaviours.

8. Concern about the impact of the proposals on children with special educational needs and if they would be able to meet the extra costs.

The site at Old Fallings is already publicised to families as the main site for provision for children with additional needs and therefore officers do not feel that the proposals will present a significant change for families from this specific group who wish to access adventure play.

9. Concern that young people who currently use the sites which have been selected for closure would be unwilling to travel to Old Fallings Adventure Playground.

Officers accept that not all children will travel to Old Fallings. However, going forward the provision would become more targeted and therefore would not be intending to provide an open access service to all families within the City.

Funding

10. There was an acceptance by the report authors that the financial implications section needs to be redrafted to better support the conclusion that there were sufficient funds to support the delivery of the newly restructured service

Re-drafted financial implications section in relation to question 10:

4.1 The approved mainline general fund budget for the Play service for 2014/15 is £456,000. It is proposed that the mainline resources are surrendered in full, in order to contribute towards the approved saving of £1.0 million from Early Help services in 2015/16.

4.2 The estimated cost of the revised service provision for Old Fallings Adventure Playground for 2015/16 is £159,000, comprising of £117,000 staffing costs, £27,000 for centralised corporate landlord costs and £15,000 general running costs of operating the playground.

4.3 It is proposed that the playground area would be funded through specific grants from Public Health £120,000 and Aiming Higher for Disabled Children £29,000, along with external lettings income of £10,000 generated through use of premises by other groups.

[NM/21082014/Q]

11. Based on the figures presented in the report it was estimated there was likely to be an unallocated amount of £49,000 in the budget. It was explained during the meeting that this figure relates to building management costs. A detailed explanation about rationale for allocating £49,000 for this purpose should be provided.

The original financial implications section of the report showed a variance against unallocated income of £47,000, this was due to the following costs been excluded from the original £112,000 quoted in paragraph 4.3 of the report:

- *Additional staffing costs associated with the employment of an Apprentice Play worker of £10,000.*
- *Centralised corporate landlord costs of Old Fallings Adventure Playground of £27,000.*
- *General running costs associated with operating the adventure playground of £10,000.*

12. Clarification sought about the level of the commitment of Public Health to fund Old Fallings Adventure Playground after the first year of operation.

The current funding package is for 12 months. However, officers were confident that a long term use, as part of a healthy lifestyles strategy, could be secured for Old Fallings and that this was recognised by Public Health, hence the proposed investment.

Future play provision

13. There was concern about the consequences of the disposal of assets at this stage due to the financial pressure. The option to 'mothball' the two sites should be considered as alternative to selling the land.

See response to point 3.

14. Reassurance needs to be given that there would be a rigorous public consultation process with service users about the proposals.

As a non-statutory service there is no legal requirement to consult, however, given the nature of the service a six week consultation will be undertaken with users, stakeholders and staff should the proposals be agreed by Cabinet.

15. Clarification needed about whether the planned changes would still ensure that the Council continues to meet its statutory responsibilities. Clarification sought about the definition of the

term “sufficient services” as referred to in the report with reference to the Education Act 2006.

The act referred to within the report sets out two types of activity, educational and recreational. The Play service would be considered to fall within the definition as set out below.

“Recreational leisure-time activities’ include sports and informal physical activities, as well as a wide range of cultural activities including music, performing and visual arts.”

The act itself provides clarification of what is meant by reasonably practicable in providing sufficient activity,

“The duty is qualified by the term ‘reasonably practicable’ which means that the determination of whether the local authority is acting reasonably in its actions to secure access to positive activities and associated facilities for young people in its area will depend on the particular circumstances of the local authority and the particular requirement for access to such activities and facilities.”

In addition to this it also states,

“In judging what is reasonably practicable an authority may take into account its resources, capabilities and other priorities, as well as that of its children’s trust partners in the private and third sector.”

A full equality analysis will be undertaken which will highlight any groups of individuals with protected characteristics which may be disadvantaged by the proposals and the plans that will be put in place to mitigate these.

Officers feel that across the City there are sufficient groups within the voluntary and third sector offering leisure activities. In addition to this the Council continues to provides access to leisure centres and also maintains a number of open spaces and parks that children can access.

16. Concern about the loss of play provision as a result of closing adventure playgrounds proposed in the report, at the time when the Epic is due for closure and the planned opening of the Youth Zone in 2017.

Officers acknowledged it was unfortunate to be losing these facilities, particularly at a time when other facilities had also been lost, however, the proposals were required to enable the Council to meet its budget saving requirements and fitted with its overall strategy of targeting services. Assurances were given that every effort would be made to make families, particularly those who currently used the play facilities, aware of other opportunities within their local area for adventure play such as open play spaces and public parks. In addition it was reinforced that community asset transfer would be pursued with local stakeholders.

17. Reassurance wanted about there was sufficient spare capacity to accommodate children and young people who currently use Gatis Street and Scotlands Adventure Playgrounds. See response to point 9.