

# CYNGOR SIR CEREDIGION COUNTY COUNCIL

**Report to:** Cabinet

**Date of meeting:** 19 March 2024

**Title:** Cardigan Memorial Pool and Hall

**Purpose of the report:** To consider the asset transfer of Cardigan Memorial Pool and Hall

**For:** Decision

**Cabinet Portfolio and Cabinet Member:**

**Cllr Catrin MS Davies, Cabinet Member for Culture, Leisure and Customer Services**

## **1. Background and Context**

Cardigan Memorial Pool and Hall is operated by a charitable trust and is a facility consisting of a 25m swimming pool, learner pool, hall space and fitness suites. It is centrally located in the town on Napier Street, adjacent to the Fairfield Car Park and Ysgol Gynradd Aberteifi / Cardigan Integrated Childcare Centre.

The Chair of Trustees has contacted senior officers of the local authority to highlight the cashflow issues the Memorial Pool and Hall is experiencing and that despite the best efforts of the trustees and the 'Friends of the Pool' to raise money, it is no longer financially viable for the trust to operate the facility. Due to this, the Trustees have taken the difficult decision to close the facility at the end of the month.

The difficulties experienced by the trust have become a common occurrence amongst leisure facilities across the United Kingdom, particularly following the corona virus pandemic. Specific challenges faced by Cardigan Memorial Pool and Hall include:

- A 472% increase in gas costs following the end of a fixed pricing contract on 31.12.2023 from £20,000 per annum to an estimated £115,000 per annum
- Income levels yet to recover to pre pandemic levels
- Frequent mechanical failures which result in the temporary closure of the swimming pools and difficulty in maintaining an ambient water temperature
- A facility constructed in 1976/77 that a recent condition survey has identified requires works valued at over £900,000 to be carried out over the next 5years. (The condition survey was carried out as part of the council's feasibility study for the Wellbeing Centre in Cardigan).

In recognition of the contribution that the facility makes to the provision of health & wellbeing in Cardigan and the surrounding communities, and to safeguard its use for that purpose, the trustees of Cardigan Memorial Pool and Hall have approached the Council to ask if we would consider an asset transfer of the facility, following its formal closure by the Trust into Council ownership.

The trust will be required to ensure they comply with their obligations under the Charities Act 2011 prior to transfer.

## **2. Strategic Fit**

There is a clear link to the corporate objective of *Creating Caring and Healthy Communities* for the asset transfer of Cardigan Memorial Pool and Hall into Council ownership and in particular the following commitments in the Corporate Plan:

- Progressing with plans to develop Wellbeing Hubs serviced by a Wellbeing Centre in the North and South of the county
- People of all ages know where and how to access focussed and universal services in person and online to maintain their own wellbeing and independence
- Blended opportunities to access services
- Encourage and enable people to get physically active so they can benefit from positive health and wellbeing
- Assist our Ageing population to be physically and socially active, supporting their independence

At the Cabinet meeting held on the 06.12.2022 a decision was made to develop the county's second Wellbeing Centre in Cardigan. The Memorial Pool and Hall site is one of locations being considered for the Wellbeing Centre as part of the feasibility study currently being undertaken. However, it must be recognised that the creation of the Wellbeing Centre is dependent on securing funding.

More information is provided in the Exempt report attached (Appendix 1).

## **3. Proposal:**

**It is proposed that the site on which Cardigan Memorial Pool and Hall is situated, and the associated building is transferred by way of an asset transfer to the Council.**

## **4. Legal Considerations**

Sections 24 (1) and (2)(c) under the Local Government and Elections (Wales) Act 2021 provide a general power of competence to local authorities which would enable the local authority to undertake the asset transfer of the facility into local authority ownership:

### **24 Local authority's general power of competence**

(1) A qualifying local authority has power to do anything that individuals generally may do, even if that thing is, in nature or extent or otherwise -

(a) unlike anything a qualifying local authority may do apart from this section;

(b) unlike anything that other public bodies may do.

(2) Where subsection (1) confers power on an authority to do something, it confers power to do it in any way whatsoever, including—

(a) power to do it anywhere in Wales or elsewhere;

(b) power to do it for a commercial purpose or otherwise for a charge, or without charge;

(c) power to do it for, or otherwise than for, the benefit of the authority, its area, or persons resident or present in its area.

This is a power of first resort.

Should the proposal be approved by Cabinet, the Council and the trustees of Cardigan Memorial Pool and Hall would work together to affect the asset transfer as soon as is practicably possible. This would be subject to a formal legal agreement to bind both parties.

## **5. Financial Considerations**

There are both one-off and ongoing costs to be considered:

### **i) One-off Transfer Cost**

There would be a one-off cost associated with the asset transfer to the Council. The exact figure would crystallise at the point of asset transfer and therefore will be confirmed as part of the legal process.

More information is provided in the Exempt report attached Appendix 1

### **ii) Ongoing Revenue costs**

The Trust are closing the Cardigan Memorial Pool and Hall facility at the end of March 2024, prior to any asset transfer. Given the Council's wider financial position, core funding does not exist to operate the facility as a going concern as that could only have happened by placing an even higher burden on Ceredigion residents through Council Tax.

The Council does not therefore intend to re-open and operate the facility. In inheriting a closed facility, the Council will need to protect the integrity of the site pending the outcome of the Wellbeing Centre feasibility study.

More information is provided in the Exempt report attached Appendix 1.

## **6. Other Considerations**

**Impact on School Swimming:** Currently 3 of the county's primary schools receive swimming lessons at Cardigan Memorial Pool. The nearest potential alternative provision is out of county which is significantly closer than the nearest in county provision. Discussions have yet to take place with the schools or providers regarding alternative provision.

**Sport Wales:** More information is provided in the Exempt report attached Appendix 1.

**Wellbeing of Future Generations:**

**Has an Integrated Impact Assessment been completed?**

No, the report is in relation to an asset not owned or operated by the Council.

**Summary of Integrated Impact Assessment:**

**Long term:** Not applicable  
**Collaboration:** Not applicable  
**Involvement:** Not applicable  
**Prevention:** Not applicable  
**Integration:** Not applicable

**Recommendation(s):**

**That Cabinet agrees:**

- 1. In principle for the asset known as Cardigan Memorial Pool and Hall to be transferred into the ownership of the Council under Sections 24 (1) and (2)(c) of the Local Government and Elections (Wales) Act 2021.**
- 2. That the asset transfer is undertaken to enable the Council to deliver quality services that contribute to the improved wellbeing of residents in the South of the county.**
- 3. To acknowledge and note the Financial Matters contained within the Exempt report.**
- 4. To authorise Officers to work with the Trustees of Cardigan Memorial Pool and Hall to proceed with the asset transfer of Cardigan Memorial Pool and Hall into Council ownership at the earliest practical opportunity, ensuring the completion of all necessary legal agreements to achieve this.**

**Reasons for decision:**

**To protect a location and facility that is strategically important to the provision of health & wellbeing services within the South of the county.**

**Overview and Scrutiny:**

None

**Policy Framework:**

Not Applicable

**Corporate Well-being Objectives:**

Creating Caring and Healthy Communities  
Providing the Best Start in Life and Enabling Learning at All Ages

**Finance and Procurement implications:**

There would be a cost associated to the asset transfer of Cardigan Memorial Pool and Hall to Council ownership and there would be annual revenue implications for the authority in protecting the integrity of the asset.

**Legal Implications:**

Should the matter proceed, then Legal Services will undertake further due diligence to include pre-contract enquiries and searches as is usual in conveyancing transactions.

The trust will need to comply with its obligations under the Charities Act 2011 prior to asset transfer.

**Staffing implications:**

Not applicable

**Property / asset implications:**

The addition of Cardigan Memorial Pool and Hall to the Council's property portfolio and asset register which would also include insurance and inspection matters.

**Risk(s):**

That the site and property is lost for the purposes of health & wellbeing.

That the feasibility study for the Wellbeing Centre in Cardigan has yet to conclude.

The development of the Wellbeing Centre in Cardigan will be dependent on attracting sufficient capital funding to bring the project to fruition.

**Statutory Powers:**

Sections 24 (1) and (2)(c) under the Local Government and Elections (Wales) Act 2021

**Background Papers:**

Not applicable

**Appendices:**

Appendix 1 – Exempt report

**Corporate Lead Officer(s):**

Greg Jones - Corporate Lead Officer: Porth Cymorth Cynnar (Interim)

Duncan Hall - Corporate Lead Officer: Finance & Procurement

Elin Prysor - Corporate Lead Officer: Legal & Governance

**Reporting Officer(s):**

Greg Jones - Corporate Lead Officer: Porth Cymorth Cynnar (Interim)

Carwyn Young - Corporate Manager: Wellbeing Centres

**Date:**

01/03/2024