

**DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL
CABINET**

DATE OF DECISION	13 July 2021
DATE DECISION PUBLISHED	5 August 2021
DATE DECISION WILL COME INTO FORCE and implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution	13 August 2021

Cabinet Member and title:

Councillor Gareth Thomas - Cabinet Member for Economy and Community

SUBJECT

Transfer of Gwynedd Council's Sport Development Service to Byw'n Iach Cyf in 2021/22.

DECISION

Gwynedd Council entering into an agreement with the Byw'n Iach Company to provide our Sport Development Service, which includes an outdoors programme and a disability sports programme.

Gwynedd Council transferring Sport Development Service staff to the Byw'n Iach company under TUPE arrangements.

REASON WHY THE DECISION IS NEEDED

Please see attached officer report

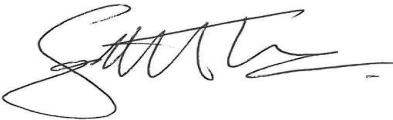
DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with Gwynedd Council Statutory Officers and the results of the consultations are reported in the attached report

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL'S CABINET – OFFICER'S REPORT

Name and title of Cabinet Member(s):	Councillor Gareth Thomas
Name and title of the Report's Author:	Sioned Eirian Williams, Head of Economy and Community Department
Date Decision was Taken:	13 July 2021
Cabinet Member's Signature:	

Subject:

Transfer of Gwynedd Council's Sport Development Service to Byw'n Iach Cyf in 2021/22.

Recommendation for the Decision:

Gwynedd Council entering into an agreement with the Byw'n Iach Company to provide our Sport Development Service, which includes an outdoors programme and a disability sports programme.

Gwynedd Council transferring Sport Development Service staff to the Byw'n Iach company under TUPE arrangements.

The reason for the need for a Decision:

The Sport Development service has been focussing on increasing the participation of children and young people between 5 and 16 years old in sports and physical activities and have mainly been working in County schools, introducing schemes such as 5x60, Dragon Sport and 'Dal i fynd' and creating a wide range of opportunities to participate whether it be sessions, competitions, festivals or a training programme. Following a review and a change in structure and responsibilities within the sports Team - the service provided has been extended to the wider community outside schools and is targeting all Gwynedd residents aged between 0 and 100! The change in structure/responsibilities means that the sport development service can now serve:

- Rural/community areas
- Be more target-specific in their schemes, which include the offer of a 1:1 service for the county's secondary school pupils who do not participate in Physical Education lessons or extra-curricular sports

- Create much stronger partnerships with Clubs within the county and promote more participation opportunities for Gwynedd residents as a result
- Identify obstacles for people to participate and try to find ways to overcome that obstacle
- Search for, discover and promote grants that will assist clubs to improve/extend the provision they offer
- Work on specific Fitness schemes - by targeting obese children
- Be more target-specific in their schemes/programme, e.g. women only, deprived areas and vulnerable children.
- Listen to the voice of Gwynedd residents regarding what they would like to do and plan programmes that respond to their opinions
- Respond to the North Wales Sports Framework

All of these intend to increase opportunities for Gwynedd residents to participate in sports and physical activity and, in doing so, to improve their health, fitness and well-being, whether it be physically or mentally.

The Sport Development Services have been funded for many years by Sport Wales under the "Sport for Life Team" name within the Council, but it will be commissioned in future by the new body "Sports North Wales".

Sport North Wales has been established by a partnership of the 6 local authorities in the region, along with partners from social housing, health and education. Part of Sport Wales' vision is to devolve the investment procedure in community sports.

There was an intention to transfer the Sport Development Service to Byw'n lach Cyf when the limited by guarantee company was established in April 2019. As Byw'n lach Cyf had only just been established and that the Sports North Wales entity was not yet in place, the Service was not transferred to Byw'n lach Cyf.

During the first two years, Byw'n lach Cyf has established, developed new operational arrangements and has become familiar with new governance arrangements. A new structure is also now in place by Sports North Wales, which means that the Sport Development Service will now be commissioned via Sports North Wales.

As Byw'n lach Cyf has been established and a new governance structure is now in place by Sport North Wales, the timing is right to transfer the Sport Development Service from Gwynedd Council to Byw'n lach Cyf.

One of the requirements of Byw'n lach throughout the contract period is to implement innovative solutions to fulfil the Council's ethos of continuous improvement and financial efficiency. Transferring the Service to Byw'n lach can increase capacity to realise their vision and to achieve financial efficiency.

Rationale and justification for reaching the Decision:

The general contract requirements for Byw'n lach Cyf is to provide:

- *A varied programme of leisure, sport and community activities that is accessible to all, including disadvantaged and vulnerable groups*
- *Consistently provide high-quality customer experiences and customer care.*
- *Ensure effective cooperation between stakeholders and partners across the sport and physical activity sector in the County*
- *Support the development of activities and promote participation by community organisations, clubs / groups and Schools*
- *Continuously review and enhance the range and scope of the provision, always being aware of customers' needs, increase visitor numbers and customer satisfaction, especially among the hardest to reach.*
- *Sustain high levels of hygiene throughout the properties.*
- *Market and promote the Service, the Building and activities in an accessible, attractive and professional manner which also targets those least likely to participate in sport, with the aim of increasing participation and user numbers*
- *Encourage more Gwynedd residents to take part in physical activity, sport and cultural activities, especially those residents with greater health needs.*
- *Subject to the leasing conditions, maintain the quality of the properties.*
- *Work continuously to improve efficiency in service provision, reduce the cost of the service to the Council, and aim to reduce the current contractual sum.*
- *Seek opportunities for grant funding to support business development and continuously improve services.*
- *Provide qualified fitness staff to ensure compliance with all aspects of the contract at all times*

Transferring the Service to Byw'n Iach can assist them to fulfil the general requirements of the contract. Discussions have been held with Byw'n Iach Cyf over the past two years regarding transferring the service and discussions with the company itself have highlighted the advantages the Service transfer can give them in order to fulfil contract requirements. The Company Board will have to formally commit to the proposal as a result of the decision by the Council.

Within the contract between Gwynedd Council and Byw'n Iach, clause 3.1 in Schedule 3 and the guidelines in Schedule 4 enable the Council to request that the company provides programmes by means of grants on our behalf:

3.10 The Council may from time to time agree with the Contractor that it will to act on its behalf in the provision of further schemes which are funded by grants received by the Council through the Welsh Government, Sports Wales or other funding bodies and any such agreement shall provide for the matters set out in Part 3 of Schedule 14.

Similar arrangements are already in place between Gwynedd Council and Byw'n Iach for them to provide other grant projects such as NERS, Free swimming and the 60+ programme on behalf of the Council. Transferring the Sport Development

Service would be in addition to what the company already does on behalf of the Council.

By transferring the Sport Development Service to Byw'n lach, an amendment would need to be made to the contract. A budget of £390,400 (Grant of £334,760 & Contribution of £55,640 from Gwynedd Council) would transfer as an addition to the annual "Agreement Sum" during the 2021/22 financial year. The budget mainly funds staff costs with a small element of other costs, e.g. rent.

By accepting responsibility for the grant, Byw'n lach Cyf would accept responsibility for the employment of 9 Gwynedd Council staff members under TUPE conditions. The posts of the service are noted below:

<u>Job Title</u>	<u>Salary Scale</u>
Sports Programmes Manager	S4
6x Sport for Life Officer	S1
Disabilities Sport Development Officer*	S3
Outdoor Activities Development Officer**	S3

*Disabilities - Grant £19,236 & Council contributing £19,236

**Outdoor – Grant £16,000 & Council contributing £22,472

Should the grant to fund the post of the Disabilities Sport Development Officer and the Outdoor Activities Development Officer come to an end, a further discussion would be held with the Byw'n lach company in terms of Gwynedd Council's contribution for the posts and this may lead to the contribution coming to an end.

The Sport Development Service is a budgetary model that is confirmed annually by Sports North Wales. Should Byw'n lach Cyf receive the grant for 2021/22, Byw'n lach Cyf would need to draw up an annual business plan on a joint basis with Gwynedd Council and submit it to the Sports North Wales governance group in order to receive further grants to maintain the service in future.

Record of any personal interest by any Cabinet Member consulted and any dispensations approved by the Standards Committee:

Any consultations undertaken prior to making the Decision:

Chief Finance Officer –

I confirm the financial figures on this Decision Notice, and I agree that it would be rational to transfer the Sport Development service to the Byw'n Iach Cyf company.

Monitoring Officer –

I can confirm that there is provision in the agreement with the Byw'n Iach Cyf Company that gives permission to commission the company to implement current or new grant schemes. Conditions to implement this transfer are established by provisions of the agreement subject to the formalisation of contractual details.