



## ***FULL COUNCIL REPORT***

Date Written	11 <sup>th</sup> April 2024
Report Author	Ryan Barry / Geraint Morgan
Service Area	Regeneration / Legal
Exempt/Non Exempt	Non Exempt
Committee Date	17 <sup>th</sup> April 2024

## **Wellbeing Merthyr Update**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 Over recent months officers have brought a number of reports to Council to explain the journey that they have been on in working with the Merthyr Tydfil Leisure Trust (MTLT) Board and senior staff in order to try and obtain a smooth transfer of assets back to the Council. This includes finding ways to retain the services and assets that the Council does not own, including the service provision at Aberfan & Merthyr Vale Community Centre.
- 1.2 The report sets-out where the Council is in relation to undertaking the due diligence exercise in preparation for the Council to receive the assets back that sit under the existing contract when it terminates on 30<sup>th</sup> April 2024.
- 1.3 Importantly, the report informs Councillors of the work officers have done since 20<sup>th</sup> March 2024 Full Council Report to engage with the MTLT Board regarding safeguarding Aberfan & Merthyr Vale Community Centre and its services.

### **2.0 RECOMMENDATIONS that**

- 2.1 Work towards a managed return of the existing contract and assets by the Council, in collaboration with MTLT, by 30<sup>th</sup> April, be noted.
- 2.2 The continuation of discussions with MTLT relating to Aberfan & Merthyr Vale Community Centre, be noted.
- 2.3 Officers bring an update report to Full Council in June 2024, be approved.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 On Wednesday 20<sup>th</sup> March Full Council agreed to a number of recommendations in relation to the Aberfan Community Centre Report. As part of the report, a recommendation was sought (and agreed) for a way forward to be formulated for Aberfan & Merthyr Vale Community Centre.
- 3.2 When embarking on the transfer of the council's assets, communication with MTLT has been difficult, with the MTLT Board ceasing to communicate with the Council on occasions. However, an agreement has again been reached to resume dialogue relating to the planned return of assets on 30<sup>th</sup> April 2024. At present, this leaves the issue of the Aberfan & Merthyr Vale Community Centre unresolved, and is therefore, still subject to further discussions.
- 3.3 Importantly, during the Full Council Meeting held on Wednesday 20<sup>th</sup> March 2024 Councillors recommended that an additional report be brought to Full Council on Wednesday 17<sup>th</sup> April so that officers can update on the following areas:
  - 3.3.1 The continuation of discussions with MTLT to ensure that a Leisure and Library Service are provided from Aberfan after the termination of the Management Agreement.
  - 3.3.2 The undertaking of a full due diligence exercise in relation to the acquisition of the Trusteeship of the centre and surrounding land.
  - 3.3.3 The presentation of a further report to Council at the Meeting scheduled for 17<sup>th</sup> April 2024, giving an update on the due diligence exercise and following receipt of Charity Commission advice.

### **4.0 UPDATE ON ABERFAN & MERTHYR VALE COMMUNITY CENTRE**

- 4.1 Following on from last month's Full Council Meeting where the safeguarding of Aberfan & Merthyr Vale Community Centre was one of the focal points, a formal approach has again been made by the authority to the MTLT Board regarding the future management of the centre.
- 4.2 As of the date this report was written (Thursday 11<sup>th</sup> April 2024) the Council has not received any response from the MTLT Board or their legal representatives in respect of either Aberfan & Merthyr Vale Community Centre or the safeguarding of the provision of leisure services from the centre.
- 4.3 Until a formal request is made by the trustees in relation to the Aberfan & Merthyr Vale Community Centre the Council is unable to move forward in respect of the provision of services currently run from the centre, or undertake any associated due diligence exercise.
- 4.4 Council officers will continue to pursue this issue with the MTLT Board. It is important to understand that the Council will not be in a position to provide leisure services from Aberfan & Merthyr Vale Community Centre without MTLT Board cooperation.

- 4.5 If a request is received in relation to the Aberfan & Merthyr Vale Community Centre a due diligence exercise is required which will see the authority spend a period of time to better understand the legal and financial liabilities associated with the centre ie. full structural review, current contracts, debts etc.
- 4.6 The Council is continuing to work with an alternative leisure service provider (who cannot be named due to the contract not yet being awarded) to potentially take over provision of leisure services that fall under the current contract. If a request is made for the Council to run services from Aberfan & Merthyr Vale Community Centre then a further conversation can be had with the alternative leisure service provider.
- 4.7 Until a request is received from the MTLT Board in relation to Aberfan & Merthyr Vale Community Centre the Council cannot approach the Charity Commission to obtain any advice.
- 4.8 The Council expects the TUPE process to commence shortly, which will include a consultation exercise with their staff and union members.
- 4.9 The Council are continuing to engage and liaise with MTLT in order for a smooth transition of our assets and services after the contract terminates on 30<sup>th</sup> April 2024.

## **5.0 NEXT STEPS**

- 5.1 Council officers will continue to attempt to communicate with the MTLT Board via our respective legal teams. In addition, officers will also enquire again regarding a proposed meeting with the MTLT Board so that we can rationally discuss the various staff and assets referenced within this report.
- 5.2 The Council will continue to progress with the due diligence exercise for Council assets in order to complete this integral piece of work. Officers, during their weekly meetings, will also continue to liaise with senior staff from MTLT to ensure that all the relevant information has been sent in a timely manner.
- 5.3 As the Council has still not received a formal request concerning Aberfan & Merthyr Vale Community Centre we will continue to press the MTLT Board formally via our legal team for a decision on the centre.
- 5.4 Officers will continue to meet with the alternative leisure service provider to support the organisation in effectively taking over all relevant assets.
- 5.5 A subsequent update report will be brought to Full Council in June 2024.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications at this stage.

## 7.0 INTEGRATED IMPACT ASSESSMENT

### 7.1

	Positive Impacts	Negative Impacts	Neutral
1. Merthyr Tydfil Well-being Objectives	4 of 4	0 of 4	0 of 4
2. Sustainable Development Principles	5 of 5	0 of 5	0 of 5
3. Protected Characteristics (including Welsh Language)	10 of 10	0 of 10	0 of 10
4. Socio-economic Disadvantage	6 of 6	0 of 6	0 of 6
5. Decarbonisation	6 of 6	0 of 6	0 of 6
6. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced
	0 of 1	1 of 1	0 of 1
7. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required
	0 of 1	1 of 1	0 of 1
8. Data and Evidence	Yes	No	
	1 of 1	0 of 1	
<b>Summary</b>			
The main positive impacts are:	The report demonstrates that the Council, through no fault of its own, is trying to make headway in terms of mutually transferring back our assets that sit under the contract whilst also sustaining our leisure services. The report reinforces the need for the MTLT Board to communicate with the Council surrounding the safeguarding of Aberfan & Merthyr Vale Community Centre.		
The main negative impacts are:	No negative impacts have been identified at present.		

**ALYN OWEN**  
**DEPUTY CHIEF EXECUTIVE**

**COUNCILLOR MICHELLE SYMONDS**  
**CABINET MEMBER FOR**  
**REGENERATION, HOUSING AND**  
**PUBLIC PROTECTION**

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***