

TELFORD & WREKIN COUNCIL

CABINET - 26th JANUARY 2009

TRANSFER OF TWO COUNCIL EQUIPPED CHILDREN'S PLAY AREAS TO WROCKWARDINE PARISH COUNCIL BY WAY OF A LEASE AGREEMENT

REPORT OF CORPORATE DIRECTOR FOR ENVIRONMENT & REGENERATION AND CORPORATE DIRECTOR FOR COMMUNITY SERVICES

1. PURPOSE

- 1.1 To recommend the transfer of two play areas to Wrockwardine Parish Council by way of a lease agreement for a period of 25 years.
- 1.2 Site 1 is located off Pemberton Road, Admaston (referenced WR1 in the Local Play Strategy 2007-17) and site 2 (referenced WR3) is located off Meadow Drive, Walcot (see attached aerial images).

2. RECOMMENDATIONS

- 2.1 **That, subject to any representations received, the two play areas, (including the land situated upon, fencing, gates and play equipment and sundries) are transferred to Wrockwardine Parish Council for a period of 25 years in accordance with the terms to be determined and agreed by the Head of Leisure & Culture, Head of Asset & Property Management and the Head of Legal Services.**
- 2.2 **That the Head of Leisure & Culture, in consultation with the Lead Member for Community Services, be authorised to consider and determine any representations received.**

3. SUMMARY

- 3.1 The Borough Council has been approached by representatives of Wrockwardine Parish Council with a view to transferring two play areas from the Borough to the Parish.
- 3.2 The Parish have offered to undertake (upon transfer) all associated costs with the play areas i.e. inspection, maintenance, development and administration costs. The sites will permanently remain as equipped play areas and following transfer will be managed and maintained by the Parish Council to the standard that is currently afforded by the Borough Council.
- 3.3 Upon transfer of the two play areas, the Borough Council will cease to have responsibility for the play areas for the duration of the leased agreement.

4.0 **PREVIOUS MINUTES**

N/A

5.0 **BACKGROUND**

5.1 It is evident in the Telford and Wrekin Councils Play Strategy 2007-2017, that both of these Play Area sites would normally receive relatively low priority regarding the targeting of resources by the Borough Council in the near future.

5.2 After discussion with the Parish Council it is clear that they wish to make a positive impact on these areas, and are keen to actively seek to improve and upgrade both of the play areas via internal or external funding.

5.3 Both sites are seen as locally important for recreation by the Authority. Therefore, any transfer would carry a condition requiring for both sites to remain as play areas in perpetuity.

5.4 The most important benefit will be to local children who will eventually be able to access improved play provision, once enhancement has taken place by the Parish Council. Therefore the social and environmental wellbeing of the inhabitants of the area will be promoted.

5.5 This type of approach is supported in Councils Play Strategy, which states in item: 6.6 Engage in Partnerships - Support Parish and Town Councils to increase the level of play opportunities.

5.6 Asset & Property Management have confirmed that the sites have a nil capital value to the Authority and therefore the sites can be transferred at a nil consideration (subject to being transferred with a condition that limits its use to play areas only).

5.7 Following a Cabinet approval the intention to transfer these two sites will need to be advertised on 2 separate occasions within the local press. The transfer itself will not take place until a period of four weeks has passed after the date of the second advert. This is to allow all interested parties the opportunity to make their views known and for those views to be considered.

5.8 It is suggested authority to consider any representations received is delegated to the Head of Leisure & Culture in consultation with the Lead Member for Community Services.

6.0 **FINANCIAL IMPLICATIONS**

6.1 Upon transfer of the play areas an ongoing revenue budget saving would be made of approximately £2k per annum. This would be realised within Community Services budgets.

6.2 A saving would also arise from the upgrading and refurbishment of each site as the Parish would assume responsibility for this. It is estimated that these costs could be between £20k and £30k. Although this would not be an immediate saving to the Council, as these play areas do not feature very high on the list of priorities within the Councils Play Strategy. However, it does mean that future capital spend can be redirected to other priorities.

7.0 **LEGAL COMMENT**

7.1 Under section 123 Local Government Act 1972, the approval of the Secretary of State is required for a disposal of land at an undervalue rate unless the disposal falls within the General Disposal Consent (England) 2003 ("the Consent"). In order to fall within the Consent, the disposal must assist in the promotion of the economic, social or environmental well-being of the area and the difference between the unrestricted value and the consideration accepted must be £2 million or less.

7.2 Under Section 123 (2A) and 127 (3) Local Government Act 1972 and section 233 (4) Town and Country Planning Act 1990, there is a restriction on the disposal of land held as open space. If considering disposal or transfer of this type of land, the Council must advertise its intention to dispose or transfer the land in a local newspaper for two consecutive weeks and must consider any objections received prior to making a final determination in respect of disposal.

8.0 **ENVIRONMENTAL IMPACT**

8.1 N/A

9.0 **LINKS WITH CORPORATE PRIORITIES**

9.1 The framework is linked to a number of priorities including:

- A community that is healthy, cared for and well housed
- A place that is attractive, with a high quality sustainable environment
- A community that is strong, cohesive and socially inclusive

10.0 **EQUAL OPPORTUNITIES**

10.1 The land to be transferred is required to be leased for free and accessible play provision.

11.0 **WARD IMPLICATIONS**

11.1 Wrockwardine Parish

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