

CAB2221
FOR DECISION
WARD(S):
BISHOP'S WALTHAM,
SHEDFIELD, KINGS
WORTHY; LITTLETON
& HARESTOCK

CABINET

14 September 2011

THE OVERVIEW AND SCRUTINY COMMITTEE

26 September 2011

FUTURE OF CITY COUNCIL PLAYGROUNDS WITHIN PARISHES

REPORT OF HEAD OF LANDSCAPE AND OPEN SPACES

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RECENT REFERENCES:

[WTF143](#) – Playground Five Year Refurbishment Plan – 20 January 2010

[CAB1963](#) – Capital Programme 2009/10 to 2013/14 – 3 February 2010

[CAB2118](#) – Play Area Refurbishment Plan – 9 February 2011

EXECUTIVE SUMMARY:

In February 2011, Cabinet considered options for the five council-owned play areas in the parished area of the District and agreed to consult the respective parish councils regarding the future of these sites.

The consultation has now been completed. This report seeks final approval for the transfer of land at Fryers Close, Kings Worthy, and Provene Gardens, Waltham Chase from the City Council to the respective parish councils. It is recommended that further consideration be given to the site at Blanchard Road, Bishops Waltham, which is held for Housing purposes. In addition, approval is sought for funding to undertake the necessary preparatory works requested by the parish councils prior to transfer; in respect of Blanchard Road, removal of basketball court and fencing; in

respect of Provene Gardens, removal of the old play equipment.

The play areas at Godfrey Pink Way, Bishops Waltham and The Hallway, Littleton will be retained by the City Council but converted to amenity open space. Cabinet is therefore also requested to authorise funding to convert these areas into amenity open space now that precise costs have been determined.

The Overview and Scrutiny Committee is asked to consider transfers of land at less than best consideration exceeding £50,000.

RECOMMENDATIONS:

1. That, subject to the matter not being called in by The Overview and Scrutiny Committee, Cabinet approve the principle of the freehold transfer of open space comprising play areas at Fryers Close (Kings Worthy) and Provene Gardens (Waltham Chase) to the respective parish councils. The transfers to be at a nominal consideration of £1 and to include restrictive covenants ensuring that the land remains in use as public open space.
2. That public advertisement be made of the disposal of the open spaces detailed in Recommendation 1, and subject to no objections being received the Head of Legal Services be authorised to proceed with the transfers.
3. That the views of TACT be sought on the proposal to dispose of the open space at Blanchard Road Bishops Waltham, as it is held within the Housing Revenue Account and a further report be brought forward in due course.
4. That, if any objections are received, a final decision on the disposal of the open spaces listed in Recommendation 1, be made by the Leader under the Portfolio Holder Decision Notice or by Cabinet.
5. That Cabinet approves the conversion of the basketball court at Blanchard Road into a grass area and that this work be funded from existing Housing Revenue Account resources.
6. That Cabinet approves the conversion of the play area at Provene Gardens into a grass area prior to its transfer to the parish and the allocation of additional funding of £3,500 for this work.
7. That Cabinet approves the conversion into amenity green space of two play areas at Godfrey Pink Way, Bishops Waltham and The Hallway, Littleton and the allocation of additional funding of £6,300 for this work.
8. That Cabinet gives approves the Virement of £10,000 from the Environmental Grants budget to the Play Area budget for the works detailed in this report

The Overview and Scrutiny Committee

1. That the Committee decides whether it wishes to call-in recommendation 1 above.

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REPORT OF HEAD OF LANDSCAPE AND OPEN SPACES

DETAIL:

1 Introduction

1.1 The Council is responsible for the provision of 37 children's playgrounds, 26 of which are in the Winchester Town area, 6 in Whiteley and 5 in other parishes within the District.

1.2 Parish Councils provide play areas in other parts of the District as they consider appropriate.

1.3 In February, Cabinet agreed a five year plan to continue the refurbishment programme for the Town area ensuring high quality play provision which meets the needs of the local community. Refurbishment of the Town play areas is funded from the Winchester Town allocation of the Open Space Fund.

1.4 The City Council has previously funded refurbishment of parish play areas using an annual capital allocation of £50,000, as the Open Space Fund allocation cannot be utilised outside the Town Area (outside Winchester Town, the use of Open Space Fund resources is determined following consultation with individual parish councils). Due to current financial constraints, the City Council has deferred significant elements of its capital programme. Thus, the capital budget for refurbishment of play areas outside the Town Area is no longer available and this report seeks approval for the way these play sites will be managed in the future.

2. Background

2.1 Excluding those in Whiteley, which are subject to a separate transfer process (CAB 2118 and a Portfolio Holder Decision Notice to be issued shortly (PHD366) both refer), there are five City Council play areas located within parishes outside the Winchester Town area:

- Fryers Close, Kings Worthy

- Blanchard Road, Bishops Waltham
- Godfrey Pink Way, Bishops Waltham
- Provene Gardens, Waltham Chase (Shedfield)
- The Hallway, Littleton

With the exception of Blanchard Road, which incorporates a hard surfaced basketball area, these play areas are all small. They contribute little play value to the locality and the local parish councils provide more significant play facilities nearby.

- 2.2 A report was brought to Cabinet in February 2011 outlining the financial constraints relating to the 5 Council-owned play areas located in parishes. Cabinet agreed that these play areas be offered to the respective parish councils to take over and manage. If the parish council did not wish to take on a particular play area, it was also agreed that the play area would be converted to amenity open space which would continue to be managed by the City Council.

3. Results of the Consultation

- 3.1 Bishops Waltham Parish Council were consulted over two separate sites – Blanchard Road and Godfrey Pink Way. They do not wish to take on the site at Godfrey Pink Way and Cabinet is asked to approve the removal of equipment at this site and its replacement with amenity green space, which will continue to be managed by the City Council. Cabinet is asked to approve the allocation of additional funding of £2,000 for this work (see Appendix One).
- 3.2 Bishops Waltham Parish Council would like to take on the play area at Blanchard Road. The existing site has a basketball area and an adjacent play area. The parish council would like the basketball area removed and this area converted to grass prior to the transfer. The cost of this conversion would be £9,390. Cabinet is asked to approve the conversion of the basketball area, with the work to be funded from the Housing Revenue Account Estate Maintenance budget. The land is held for housing purposes within the HRA and it is recommended that further investigations be undertaken, before consideration is given to its transfer to the Parish Council. It is also proposed TACT will be consulted before any decision is made to proceed with a disposal. Secretary of State's consent will also be required to a disposal of this land at less than best consideration.
- 3.3 Shedfield Parish Council were consulted about the play area at Provene Gardens, Waltham Chase. They do not wish to take on the play area as it is but have expressed a desire to take on the amenity open space once the play equipment has been removed. Cabinet is therefore asked to approve the conversion of this site to amenity green space and the allocation of additional funds of £3,500 for this work (see Appendix One). Cabinet is also asked to

approve the transfer of the land to Shedfield Parish Council once the conversion work is completed. This land has a value for Land Registration purposes not exceeding £120,000.

- 3.4 Littleton and Harestock Parish Council were consulted about the play area at The Hallway, Littleton. They do not wish to take on the play area and Cabinet is asked to approve the conversion of this site to amenity green space and the allocation of additional funds of £4,300 for this work (see Appendix One). The parish council have requested that two items of play equipment from this site be passed to them for relocation into one of their other play areas.
- 3.5 Kings Worthy Parish Council have advised that they are willing to take on the play area at Fryers Close. Cabinet is therefore asked to approve the transfer of this play area to Kings Worthy Parish Council. This land has a value for Land Registration purposes not exceeding £20,000.

4. Procedure

- 4.1 If Cabinet approves the transfer of play areas to the respective parish councils then a public notice under Section 123 of the Local Government Act 1972 advertising the proposed disposal would be published and consideration duly given to any objections received.
- 4.2 Secretary of State consent is required for the disposal of the Blanchard Road site as it is held within the Housing Revenue Account. For the other sites held in the General Fund, Section 123 of the Local Government Act 1972, authorises the City Council to dispose of land in any manner it wishes, subject to detailed provisions in that Section. Where the land is to be disposed off at less than full consideration, (and the disposal is other than a tenancy of less than seven years) the consent of the Secretary of State to the disposal is required.
- 4.3 Where the consent of the Secretary of State is required for the General Fund sites, because the disposal of the land is less than best consideration, the disposal may nevertheless fall within the terms of the General Disposal Consent (England) 2003. This allows disposal where any undervalue is less than £2,000,000 and the local authority considers that the purpose for which the land is being disposed is likely to achieve the promotion or improvement of economic, social or environmental well-being of the whole/part of its area or the residents thereof This is applicable to the General Fund cases identified in the report.
- 4.4 It is therefore proposed that public notice of the proposed disposal of the areas to the respective Parish Councils is published, and any representations considered before the final decision to proceed with the transfer is made, as set out in the recommendations above.

Freehold transfers at nominal consideration of £1 are proposed rather than a long lease. This corresponds with the intention of facilitating full local community responsibility for and control over the management of the areas to

be transferred. Furthermore, a freehold transfer is less complex and more cost-effective to facilitate than a lease with its associated continued management arrangements. However, consideration has been given to safeguarding the future of the transferred land as public open space but also allowing the Parish Council sufficient freedom and discretion in management of the land to respond to the needs of the local community. Appropriate provisions in the form of a restrictive covenant requiring the land not to be used other than as public open space will be made within the terms of the transfer agreement.

- 4.5 If Cabinet agrees to the removal of play equipment from sites at The Hallway and Godfrey Pink Way and approves funding for their return to amenity green space; the Landscape and Open Spaces Team will arrange the necessary work. The converted sites will form part of the grounds maintenance contract for ongoing maintenance.

OTHER CONSIDERATIONS:

SUSTAINABLE COMMUNITY STRATEGY (RELEVANCE TO):

- 5.1 The conversion of play areas will retain community benefit and provide a resource to satisfy alternative community requirements as identified within the Community Strategy.

6 RESOURCE IMPLICATIONS:

- 6.1 The cost of removing the basketball court at Blanchard Road is £9,390 and this will be funded directly from the Housing Revenue Account Estate Maintenance budget. The reduced costs of Grounds Maintenance work in the second half of the financial year as a result of the new contracting arrangements will mean that this can be met from within existing resources.
- 6.3 A Virement of £10,000 has been identified from an underspend within the Environmental Grants budget during 2011/12. This budget can be vired to fund the conversion of play areas to amenity green space as outlined in Appendix One and the cost of removing equipment from Provene Gardens.

7. RISK MANAGEMENT ISSUES

- 7.1 The risk of failure to maintain play areas will result in equipment having to be decommissioned and removed without replacement. Such decommission also has cost implications for which there is no budget.
- 7.2 A proactive approach to play area management mitigates the risks associated with equipment becoming worn and potentially dangerous once outside the period of use for which it was designed. It also reduces costs to the council of maintenance associated with older, worn equipment.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Cost breakdown for conversion of play sites

Appendix 1 - City Council Play Areas in Parishes

Areas to be converted to amenity green space

	Site	Cost of Conversion
1	Godfrey Pink Way, Bishops Waltham	£2,000
2	The Hallway, Littleton & Harestock	£4,300
	TOTAL	£6,300

Areas to be considered for transfer to parish council

	Site	Cost of Conversion
1	Blanchard Road, Bishops Waltham	£9,390
2	Fryers Close, Kings Worthy	N/A
3.	Provene Gardens, Waltham Chase	£3,500
	TOTAL	£12,890