

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

REPORT OF THE ASSET MANAGEMENT AND CORPORATE SERVICES PORTFOLIO HOLDER

4 SEPTEMBER 2015

A.4 APPLICATION FOR COMMUNITY ASSET TRANSFER: RIVERVIEW PLAYING FIELDS AT LAWFORD

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the application by Lawford Parish Council for the transfer of ownership of the playing fields at Riverview, Lawford.

EXECUTIVE SUMMARY

Lawford Parish Council currently has a lease for the playing fields which started in 1992 and passed its contractual end date in August 2013. Since 2013 the lease has continued in force under the provisions of Part II of the Landlord and Tenant Act 1954.

Terms for the renewal of the lease were proposed but after initial acceptance the Parish Council declined to accept the proposed increase in rent. The Parish Council have applied for the transfer of the freehold of the land under the Council's Community Asset Transfer Policy to enable them to have certainty going forward and to apply for grant funding.

Officers consider that the proposal is not strong enough to warrant the transfer of the freehold but that a long lease of the land may be justified. Potential terms for such a lease are proposed in a report in Part B of this agenda.

RECOMMENDATIONS

That Cabinet considers the proposal in relation to the criteria set out in the Council's Asset Transfer Policy, determines that the transfer of the freehold is not appropriate and authorises the principle of granting of a new lease on terms to be determined in Part B of this agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The ongoing provision of the playing field will contribute to the following Council priorities:

- Promoting healthy lifestyle and activity and sport in the area.
- Protection and enhancement of our countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of a new lease would secure a small revenue income. Details of this are contained in the report in Part B of this agenda.

Risk

The Parish Council has leased the land for some years and officers consider that the risk of granting a new lease is small.

If no agreement is reached there is risk of uncertainty and adverse rights developing.

LEGAL

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

In this case the land is public open space but officers consider that the granting of a new lease is a continuation of the existing arrangement rather than a new disposal of land. Accordingly there is no proposal to advertise the disposal of open space. If Cabinet was minded to transfer the freehold an advertisement and consideration of any objections would be necessary.

The proposed rent for a new lease is less than the value proposed by the Council's valuers. Accordingly the new lease is not at best consideration that could reasonably be achieved and if members agree that a new lease at this rent is appropriate this will require a decision within the provisions of the General Disposal Consent Order (England) 2003.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

None

Ward

Lawford

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Parish Council has held a lease on the playing fields since 1992 but this passed its contractual expiry date at the end of August 2013. Terms for a new lease to the Parish Council have been discussed but agreement on rent has not been achieved. The Parish Council has applied for the transfer of the freehold under the Council's Community Asset

Transfer Policy.

CURRENT POSITION

The current lease passed its contractual end date in August 2013.

The Parish Council has requested transfer of the asset under the Community Asset Transfer Policy. A copy of the application is attached as Appendix B.

The Council's adopted Community Asset Transfer Policy sets out the levels of asset transfer that are considered appropriate to various levels of community benefit:

Interest or structure created	Suitability
Complete transfer of freehold interest direct to an organisation	For large and bold schemes for national or regional quality facilities that don't currently exist. Where a major step change in the level of facility is to be provided.
Creation of a Charitable Trust	For large and bold schemes where more than one organisation is involved and where a major step change in the level of facility is to be provided.
Creation of a special purpose vehicle (company)	For schemes where a number of interests are involved, where potential sale of part of an asset comprises part of the scheme and where the Council wants to retain a controlling or coordinating interest in the asset(s)
Long lease (eg 99 years)	For ambitious schemes that provide major new facilities. Where a major step change in the level of facility is to be provided.
Medium term lease (eg 25 years)	For schemes where an upgrading or renewal of facilities is proposed.
Short Term lease (eg 5 years)	For schemes where a refurbishment or repair of facilities is proposed.

Officers consider that the proposal made does not include firm plans for any additional public services or facilities and that those potential enhancements set out are conditional and do not represent a step change or new facility. Therefore officers consider that the proposal corresponds with the criteria for a medium term lease, with some elements that incline towards a longer lease.

The proposal does include the management of the Essex Way in the area and the management of proposed future open space nearby. Accordingly it is proposed that the lease area is expanded to include the sections linking the areas and including the footpath.

Accordingly it is proposed to offer the Parish Council a new lease of around 30 years' duration.

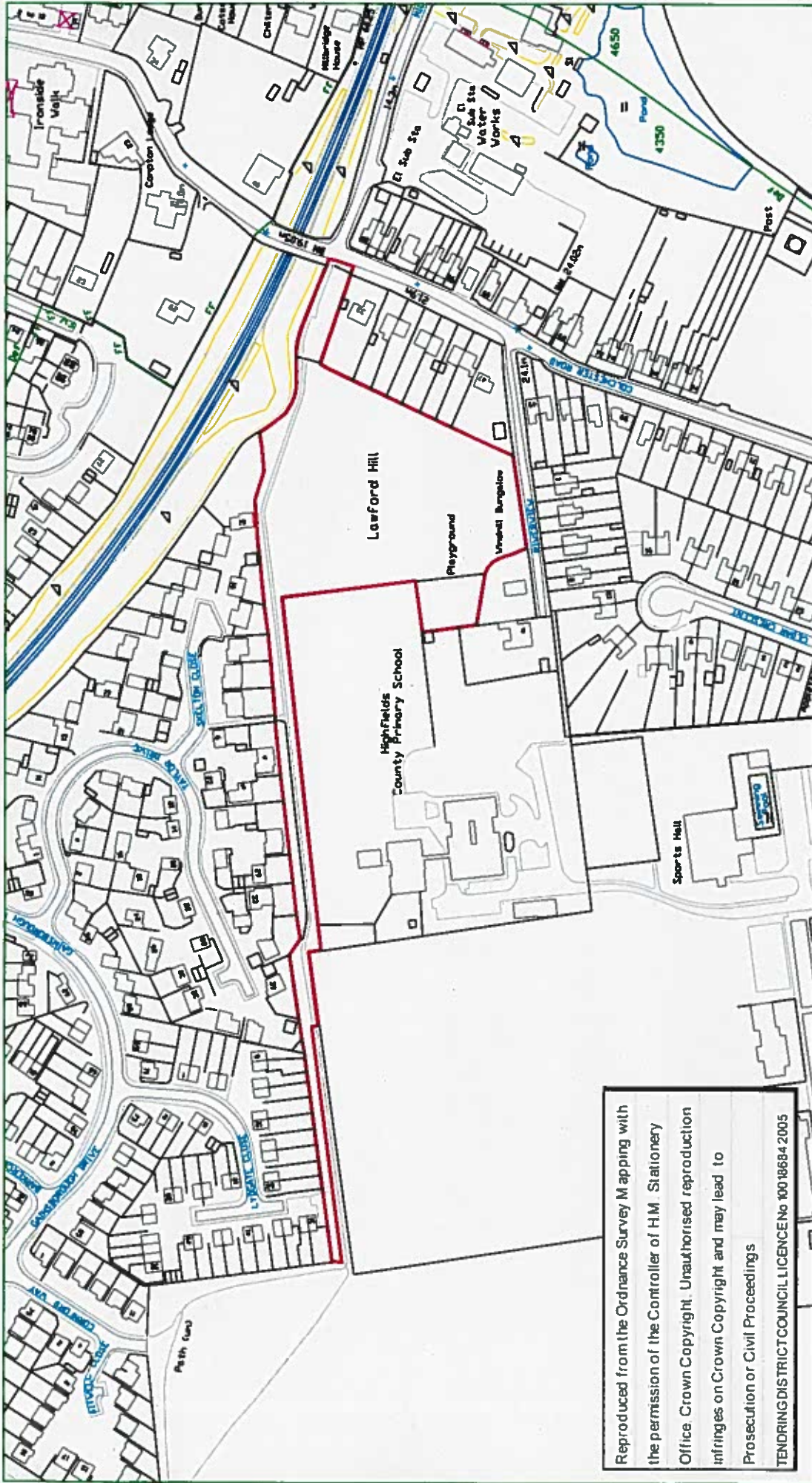
Further detail on the terms proposed is included in the report in part B of this agenda.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

- **Appendix A – Plan of the playing fields at Lawford**
- **Appendix B – Parish Council application**



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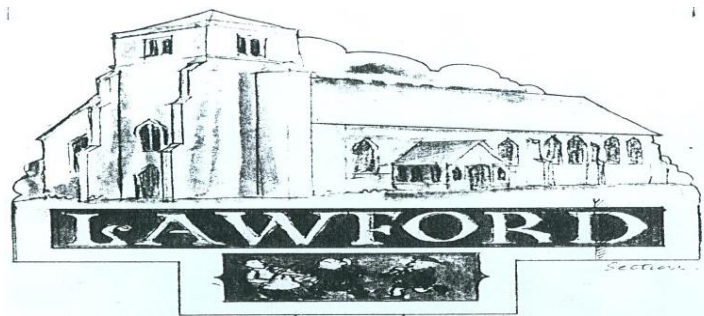
TENDRING DISTRICT COUNCIL

M. KNAPPETT
 BA(hons), DMS.
 CORPORATE DIRECTOR: CORPORATE SERVICES

title: Riverview Playing Field
 drawing: LOCATION PLAN FOR LEASE

scale:	1:2500
drawn by:	AR WHITE
date:	22 July 2015
drwg.No.	revision
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A proposal for the Asset Transfer of Riverview Playing Field and play area from Tendring District Council to Lawford Parish Council.

Business Case.

Location Colchester Road, Lawford (20 miles from Clacton-on-Sea TDC headquarters), in the parish of Lawford

Present Arrangement

The Riverview Recreation Ground is currently leased from Tendring District Council (TDC) to Lawford Parish Council (LPC) at a cost of £60.00 per year. This at present is on a year by year basis as the 21 year lease expired in 2013.

Duties performed by Lawford Parish Council.

The maintenance of the playing field including
Grass cutting (fortnightly),

Inspection, maintenance and provision of the play equipment.

Inspection, maintenance and removal of the trees.

First port of call for information.

Security including entrance gates and lighting

Proposal

Lawford Parish Council is proposing an Asset Transfer to take over and become the owners of Riverview playing field including the play area.

Evidence

Before LPC took over the responsibility for Riverview, the area, which is the only recreational space serving the 611 dwellings of the Lawford Dale Housing Estate, was neglected and uninspiring. The below table illustrates the maintenance and development expenditure invested by LPC over the last ten years. The Parish Council is continually complimented on the excellent standard and condition of this recreation ground.

Type of expenditure	Total over 10 years
Rent	£550.00
New Play Equipment	£59,909.75
Grass Cutting	£16,000.00
Insurance & Claims excess	£1,500.00
Statutory Inspections	£600.00
Litter Picking & Cleaning etc. (Handy Man's salary pro-rata)	£3,600.00
Approximate 10 Year Total Expenditure	£82,159.75

Lawford Parish Council has improved the facilities over the last 10 years by improving the play equipment, old worn out and unsafe equipment has been replaced with modern more up to date equipment giving children more variety and better play value in a safe environment. The damaged wooden fence around the play area has been replaced with a metal one with improved gates improving security of the play area for younger children (excluding dogs, cycles etc.). More litter bins have been provided to improve the tidiness of the site. Trees are maintained and the grass cut on a regular basis making this a really pleasant site to visit and all this effort has been rewarded with more children and young families using the area. The council's handyman visits on a regular basis litter picking, hedge trimming and ensuring the tidiness of the site.

Anyone who has a question or who needs information always contacts the parish council which has become the first port of call for anything to do with this playing field.

The security of the site including the footpath lighting is controlled and paid for by the parish council.

Lawford Parish Council has a structured inspection schedule which includes this playing field as well as the two others it owns.

The cost of all this work has been borne by Lawford Parish Council which has either raised money through grants or budgeted for work to be carried out.

In the event of Lawford Parish Council no longer assuming responsibility for Riverview, the care and maintenance would revert to Tendring District Council as the present owners. In these circumstances the work and expenditure for TDC would increase exponentially, this in an era of continuing financial restraint and budgetary reductions.

If TDC were to assume responsibility again it would not be cost effective and not be good value for money for the district council. This site is 20 miles from Clacton-on-Sea and logistically would be difficult to manage. As can be seen from the above table a considerable sum of money has been spent improving the area from its neglected condition to its present day standard. Lawford Parish Council anticipates that a good deal of money will be spent in the future keeping it up to its present standard and improving the facilities which are there at present.

Long Term Future***Recreational Equipment***

Lawford Parish Council has already significantly extended and enhanced the play equipment available. It is the intention of LPC to further extend the range of equipment to provide facilities across the age spectrum.

The maintenance of play equipment is costly but essential. LPC seeks to enhance its servicing and replacement schedule, if the asset transfer application is successful there will be more modern and relevant play equipment available to provide recreation and stimulation to children in Lawford.

It is also the intention of LPC to provide finance and seek additional grant funding to provide exercise equipment specifically designed for the retired. Experience elsewhere in the country, where this equipment has been provided, shows an overall increase in the general fitness of the elderly and a significant reduction in social isolation. LPC will not make this investment without ownership or significant tenure on the land.

Site

LPC currently provides enhanced levels of grass maintenance. Security of tenure would ensure that this level of investment could be justified and maintained.

LPC plans to improve the security fencing and access gates to the area. This will be at considerable cost.

LPC has provided the street lighting which illuminates the Essex Way which crosses Riverview. LPC plans to continue with the cumulative costs in this provision and to extend the lighting further towards the new development.

LPC has already signed the conveyance documents for substantial areas of land adjacent to the Riverview Recreation Ground. LPC will assume ownership of this land under a Section 106 agreement. It is the intention to provide additional 'Rough Play' space for children to just run around and use their imagination as well as a play scheme for pre-school children and parents. Another area will be planted as a 'Community Woodland' of over 300 new trees.

These areas are between the Owls Flight Dell recreation area and Riverview. LPC wishes to manage Riverview as an integral part of the newly acquired land. LPC could then have a single recreational and environmental strategy, which will provide an excellent facility to a growing population and the strategy would be complimentary and cost effective.

Vision for the future

Lawford Parish Council wish to own this land so they can make long term plans for the area in respect of the maintenance and upgrading of the site. It is essential that the facilities are improved and the footpaths which run through the site are maintained (including The Essex Way).

Tendring District Council has just approved a planning application for the construction of an additional 150 homes, directly adjacent to Riverview. The pressure on existing facilities and the maintenance costs of this site can only increase. Ownership of Riverview will enable LPC to raise grants for additional play equipment to be used by the new residents of Lawford as well as the existing parishioners.

Lawford Parish Council commends this proposal to Tendring District Council.