

Report

Cabinet Member for Assets and Member Development

Part 1

Date: 11 September 2017

Subject Lease of Rhiwderin Play Area, Rhiwderin, Newport, to Graig Community Council

Purpose To seek approval from the Cabinet Member for Assets and Member Development to lease the land at Rhiwderin Play Area to Graig Community Council for use as a play area only.

Author Housing and Assets Manager

Ward Graig

Summary Newport City Council recently acquired the land at Rhiwderin, using S106 money and have installed new play equipment. The Council now wish to transfer the land to Graig Community Council by way of a lease in order that they can manage and maintain the play area. A sum of s106 money will also be given to the Community Council to assist with the ongoing management of the area.

Proposal To transfer the land to Graig Community Council by way of a lease on terms to be agreed by the Head of Law and Regulation.

Action by Newport City Council with Newport Norse

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Property Services Manager, Newport Norse
- Strategic Director, Place, Newport City Council
- Head of Regeneration, Investment and Housing, Newport City Council
- Head of Finance – Chief Finance Officer, Newport City Council
- Head of Law and Regulations – Monitoring Officer, Newport City Council
- Head of People and Business Change, Newport City Council
- Parks and Outdoor Recreation Manager, Newport City Council

Signed

1. Background

- 1.1 It has been established that Graig is in the top 20% of most deficient wards in terms of designated open space provision and is also deficient in equipped open space. When the lease between Graig Community Council and the previous land owners ended the Council sought to prevent the situation getting worse and in the long term have the community involved as they were originally.
- 1.2 The opportunity recently arose of being able to use S106 money to help arrest this decline and Newport City Council purchased the land at Gloch Wen, Rhiwderin for £10,000 using this S106 money. Cabinet Member for approval for this was granted 4 November 2015. Over the last 12 months the land has been acquired and the play equipment installed. Newport City Council's Parks and Outdoor Recreation Manager has requested that the play area now be leased to Graig Community Council for them to manage and maintain the play area for a term of 99 years.
- 1.3 Graig Community Council are well placed to manage the site as they held a lease with the previous land owners (Newbridge Estates). Their lease came to an end and the old play equipment was removed. Newbridge Estates had no requirement for the land and wished to dispose of it and offered it to Newport City Council.
- 1.4 The benefit of leasing the land to Graig Community Council relieves the Council of the ongoing maintenance and management of the play area. It does also fit well within the principles of sustainable development set out in the Wellbeing of Future Generations Act 2015 as it sees the Council seeking to achieve its wellbeing objectives through collaboration and involvement of the local community to secure a long term outcome in reinstating lost play area.
- 1.5 However, Graig Community Council will receive ongoing funding from the Council (using s106 money) to meet the ongoing cost of maintenance repairs for a period of 20 years. Thereafter Graig Community Council will cover any ongoing costs. Newport City Council's Parks section will receive £25 per safety inspection which will be undertaken on a weekly basis for a minimum of 5 years, again this will be funded using s106 money. This report therefore seeks Cabinet Member approval to proceed.

2. Financial Summary

- 2.1 There are no financial implications. Leasing the land to Graig Community Council will release the Council from any maintenance and management obligations. A sum of s106 money will be given to Graig Community Council from s106 funds to support them as detailed above.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					
Net Costs (Savings)					
Net Impact on Budget					

3. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?

Lease with Graig Community Council does not proceed	M	L	Terms sent to Graig Community Council for their consideration	Newport City Council
Management of play area remains with Council	M	L	Working with Graig Community Council.	Newport City Council

4. Links to Council Policies and Priorities

4.1 Corporate Asset Management Plan 2013-18

Service Development Plans

Single Integrated Plan (SIP)

Within the Single Integrated Plan ‘ Feeling good about Newport ‘ there are three core priorities:

- Economy and skills
- Health and wellbeing
- Safe and cohesive communities

The proposed action clearly touches on two of the key priorities.

5. Options Available and considered

5.1 Take no action.

5.2 Proceed with Graig Community Council and offer terms to be agreed by Head of Law and Regulation.

6. Preferred Option and Why

6.1 Proceed with Graig Community Council and offer terms to be agreed by Head of Law and Regulation.

7. Comments of Chief Financial Officer

7.1 The proposed arrangement will result in the release of S106 monies currently held by NCC to a third party. Due to the terms of the S106 agreement, alternative uses for these funds are limited, and would otherwise be allocated to funding the revenue costs incurred by the Parks department for the ongoing maintenance of the site on an annual basis. There is no further capital expenditure required in this area, and this use has been approved by the Planning Contributions Manager. In transferring the funds to Graig Community Council, the net financial impact will be nil – associated costs will only be incurred if paid for by GCC (minimum five years) as outlined in the report.

8. Comments of Monitoring Officer

8.1 The proposed lease in favour of Graig Community Council is in accordance with the Council’s legal powers to dispose of land under Section 123 of the Local Government Act 1972. Because the lease will be for a period of 99 years, this will be classed as a “disposal” and, therefore, there will be a requirement to show that the Council has secured best value for the land. However, if the community council are to take on all future maintenance responsibility for the play area, then

this transfer of liability on a full repairing and insuring lease should be sufficient consideration for the transfer, without the need for any significant rental or payment. The lease will need to be subject to a restrictive covenant that requires the land to be retained and maintained as a play area. The agreed contribution from s106 monies towards future maintenance costs for the first 20 years of the lease will need to be specifically documented either in the lease or in a separate legal agreement. Any statutory inspections carried out by Council officers on behalf of the community council will need to be the subject of a separate SLA.

9. Comments of Head of People and Business Change

- 9.1 As stated in the Community Wellbeing Profile for Graig, the Fields In Trust benchmark assessment indicates that Graig is in the top 20% of most deficient wards in terms of designated open space provision and is also deficient in equipped open space. The reinstatement of the play equipment will prevent this deficit increasing. Accessible open space was clearly identified by the public as a key contributor to wellbeing, and was particularly important to children and young people. A proposal which will help to safeguard play provision in this area is supported.

10. Comments of Cabinet Member

- 10.1 Cabinet Member has approved the report.

11. Local issues – Ward Member Comments

- 11.1 None received.

12. Scrutiny Committees

- 12.1 N/A

13. Equalities Impact Assessment and the Equalities Act 2010

- 13.1 The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

14. Children and Families (Wales) Measure

- 14.1 Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to

consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

15. Wellbeing of Future Generations (Wales) Act 2015

- 15.1 The background of this report outlines how the principles of sustainable development have been followed in seeking to re-establish a play area in Rhiwderin and have full community engagement in the long management of the amenity.

16. Crime and Disorder Act 1998

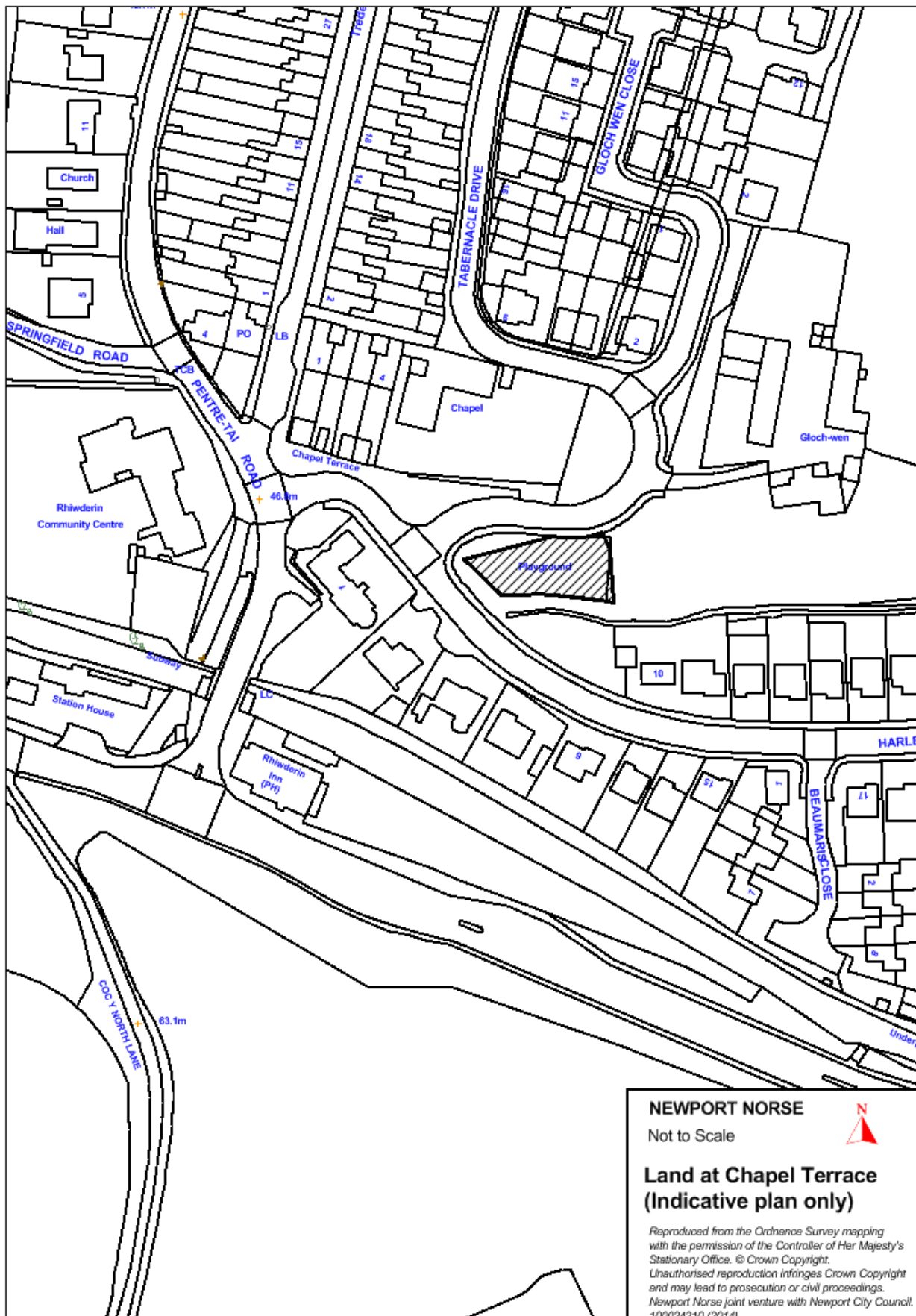
- 16.1 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

17. Consultation

- 17.1 Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

18. Background Papers

- 18.1 Cabinet Member for People & Business Change – Acquisition of Land at Gloch Wen, Rhiwderin 4 November 2015
- 18.2 Site Plan



NEWPORT NORSE

Not to Scale



**Land at Chapel Terrace
(Indicative plan only)**

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