

**REPORT TO THE EXECUTIVE**

Report No.22

|                              |  |
|------------------------------|--|
| Date of Meeting              | 31 <sup>st</sup> August 2006   |
| Title of Report              | <b>Play Facilities Development and Management</b>  |
| Portfolio                    | <b>Planning &amp; Regeneration, Streetscene</b>  |
| Link to Corporate Priorities | Under the Corporate Plan priority areas of Cleaner, Safer and Better Streets, and Healthy Lifestyles this report links to the following aim: <ul style="list-style-type: none"> <li>Establish quality standards for Council's public open spaces.</li> </ul> The report also links to the following Corporate Plan actions: Implementation of the Countryside and Open Space Strategy. Play facilities fall within the Member Portfolios for Streetscene; and Assets and Regeneration. |
| Key Decision                 | YES - The decision will be significant in terms of its effects on communities living or working in an area compassing two or more wards within the district of North Wiltshire.  |
| Executive Workplan Ref       | B294   |
| Public Report                | YES  |

**Summary of Report**

This report addresses both the issue of devolution and the immediate need to manage facilities until devolution is achieved; and, considers the options regarding the Council's policy and management of play facilities and recommends establishing a play space strategy for the District.

**Officer Recommendations**

**The officer recommendations are detailed overleaf.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

| Financial Implications | Legal Implications   | Community & Environmental Implications | Human Resources Implications | Equality & Diversity Implications |
|------------------------|--|--|------------------------------|-----------------------------------|
| YES                    | NONE   | YES                                    | YES                          | NONE                              |
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## Recommendations

It is recommended that the Executive:

1. To dispose of the Council's freehold interest in the play area adjacent to the former Malmesbury Outdoor Pool site to Malmesbury Town Council for a consideration of £1.00, but otherwise subject to contract, which shall require the imposition of a covenant not to use the site for any purpose other than as a play area. The transfer to take effect on completion of the construction and laying out of the new play area and to include the payment to the Town Council of the commuted sum of £7,000 for future maintenance of the play area
2. Suspend further discussions with Parish or Town Council's on devolution or disposal of any other play areas and open spaces for a period of 12 months.
3. Approve Option 2
4. Authorise the Assets, Design and Regeneration Manager to implement the upgrading and maintenance of play areas subject to the provision of budgetary limits in the Capital PPM programme and revenue maintenance funds.
5. Authorise the Asset, Design and Regeneration Manager to establish and submit a play space strategy for the district as set out in paras 6.3 and 6.4; and to engage with other stakeholders and in consultation with the Lead Member(s) on the submission of a grant application to the Big Lottery Fund.
6. To report back to the Executive in April 2007 on the actions taken

## 1. Introduction

- 1.1 This report addresses both the issue of devolution and the immediate need to manage facilities until devolution is achieved; and, considers the options regarding the Council's policy and management of play facilities and recommends establishing a play space strategy for the District.

## 2. Options and Options Appraisal

- 2.1 Option 1: The current policy remains unchanged and the inspection regime is continued but no repairs or replacement of equipment is undertaken. This will lead to the closure of all play areas in our management within a year or so as they become unsafe to use and the equipment would be removed. If this were adopted as a policy then it essentially says that the Council no longer wishes to have any involvement in play provision. This would likely be an unpopular course of action with communities affected and appears contrary to Council's stated objectives and its commitment to both Cleaner, Safer and Better Streets and promotion of Healthy Lifestyles.

**Risk factor - very high.** Withdrawal of well used local children's facilities and adverse publicity and impact on the council's reputation

- 2.2 Option 2: The introduction a play space strategy of a comprehensive management regime. Several facilities will require necessary repairs in the short term (see Appendix 1). Maintenance would be undertaken on the play areas so that they meet current health and safety and RoSPA guidelines and a system implemented to that if any defects are identified during the weekly inspections they could be addressed immediately. It would be more cost effective if both the inspections and work arising from these were contracted out, with appropriate reporting systems put in place.

**Risk factor - medium.** Staff costs will be about £30,000 revenue (excluding works) and require a minor revision of work programme and delay of other key services/project work- eg devolution of Public Conveniences –reported elsewhere on this Agenda; and delay in preparation of the Open Space SPD

## 3. Background Information

- 3.1 Currently the Council's play facility resource consists of 30 play areas. Of these 14 have been devolved and are now managed by town and parish councils under lease or license. Discussions have continued with various town or parish councils on the remainder but this is not leading to the devolution of all play area facilities. Appendix 1 gives more detail.
- 3.2 Three play areas have been removed in the last couple of years due to health and safety defects, vandalism or anti-social behaviour (but may be reinstated at some point in the future).

- 3.3 This list is not the full list of facilities in the district. The Open Space Study (2004) identified 91 play area sites with most of these being owned and managed by other local authorities. Of these sites the majority are Local Equipped Area's for Play (LEAP's) which cater for children aged 4-8 years. Other facilities include 19 Local Areas for Play (LAP's) which are for use by younger children up to the age of 6; and 17 Neighbourhood Equipped Areas for Play (NEAP's) which are for older children/youth.
- 3.4 Given the catchment distances for the different play areas (LAP - 1 minutes walking distance; LEAP - 5 minutes walking distance; NEAP - 15 minutes walking distance) there is a significant shortfall of facilities in the District. It is clear though that any loss of existing facilities should be avoided so as not to compound the situation.
- 3.5 There are weekly health and safety inspections of all playgrounds managed by the Council. However, we are not currently complying with the latest best practise guidance from RoSPA. This needs to be urgently reviewed both from the point of view of both maintenance and inspection regimes.
- 3.6 Two play areas have recently been closed due to health and safety concerns; but repaired and reopened in early August 2006. The annual RoPSA report, undertaken last November 2005, detailed issues with these facilities but since that report the situation has changed for the worse, hence the closures.
- 3.7 A number of play areas have been provided under planning permission and the continued provision may be subject to covenants and/or conditions regarding the future maintenance of the facility.
- 3.8 At its meeting of 21 June 2001 the Executive made the following recommendation with regard to play facilities:

33. policy on play facilities development and management  
Consideration was given to a report (Report No. 12) which recommended clear policies for the future development and management of play facilities (playgrounds, basketball/multi-use courts, skate ramps etc).

resolved

(3)..... that officers commence discussions with the relevant town and parish councils with a view to transferring management and maintenance responsibility before any refurbishment/replacement is undertaken.

#### **4. Council Management of Play Facilities**

- 4.1 Where the transfer of management responsibilities of a facility has taken place in the past, it is up to the town or parish council to manage the facility. However, where a new facility is provided within a new housing scheme as part of the planning obligation and/or section 106 agreement, and this facility is transferred to another authority, then the commuted sum is also given over to allow management for the duration of the life of the equipment, which will generally satisfy the planning requirement.
- 4.2 New facilities which are subject to Developers Agreements are required to be provided in Corsham and Calne and these works are currently being progressed by the District Council and could be transferred to the relevant Town Council's if satisfactory arrangements can be concluded in the future. However it is felt to be more critical to complete the repairs of defective play area and prepare an overall Strategy rather than divert scarce resources on negotiating devolution.

## **5. Play Space Strategy**

- 5.1 The Council has also been invited by the Big Lottery Fund to prepare a play space strategy for the district area involving other providers and the community and voluntary sector. Although this is a wider opportunity than playground facilities; the district has been allocated up to £238,000 towards implementing the strategy. The play space strategy needs to be prepared over the next few months with a final deadline for submission in September 2007. Under this initiative a “play partnership” should produce a portfolio of projects that will improve or develop local play provision within the local authority area and create an infrastructure to ensure local authorities/agencies have the resources to sustain the provision. Under this programme it is not necessary to raise any partnership funding for capital works. However, it is expected that the cost for future maintenance and the cost of developing the play strategy will be met from the partnership.
- 5.2 The local authorities of Wiltshire have had an initial officer meeting and the County has indicated their role as co-ordinating the play strategy. It is also desirable to involve Town and Parish Councils and other providers of play facilities in developing details of play strategy and delivering projects. It is unlikely that the Strategy will be completed before March 07 or September 07. Some defective playgrounds will require renovating and updating before those dates. It is also clear that to continue the devolution programme outside of a Strategy may disadvantage drawing down funds for improving or updating play facilities.

## **6. Malmesbury Outdoor Pool Play Facility**

- 6.1 Negotiations are well advanced with Malmesbury Town Council for the provision of new play facilities adjacent to the old outdoor pool site. The cost of providing the new facilities is covered within the new housing scheme, as well as a commuted sum for future maintenance. Community consultation has been undertaken, which helped choose the design of the play area, and a second round will be undertaken as part of the planning application. The Town Council has expressed strong interest in managing the new facility, but only if they hold the freehold interest of the site, which is currently held by this Council. This action would meet the general devolution policy and despite the commentary in para 6.4 above it would be appropriate to continue with this arrangement for this particular site.
- 6.2 Section 123 of the Local Government Act 1972 states that except with the consent of the Secretary of State a local authority shall not dispose of land otherwise than by way of a short tenancy for a consideration less than the best that can reasonably be obtained.
- 6.3 From time to time the Secretary of State issues General Disposal Consents. The General Disposal Consent 2003 removes the obligation on authorities to seek consent for a disposal of land at an undervalue provided that the authority considers that the disposal will help secure the promotion or improvement of the economic, social or environmental well-being of their area, and where the undervalue does not exceed £2 million.
- 6.4 In this particular case there is an obligation imposed in a planning agreement that the play area be maintained in perpetuity for use by the public for recreational purposes. Consequently, the land has no commercial value and any non-commercial value it may have falls well within the ambit of the General Disposal Consent, having regard to the social and environmental well-being of the area.

## 7. Financial Implications

7.1 Each option has a different financial implication as detailed below. This excludes the current revenue costs of around £25,000 associated with the inspections undertaken by Cleansing and Amenities.

- The only costs relevant for Option 1 are those for the removal of equipment and the reparation of the area to grass. This would likely be in the region of £10,000 in total. Existing budgets allow for costs for inspection at £25,000
- Option 2 would require initial expense to repair the play areas and then a commitment for inspection and maintenance. Although it is not possible to give detailed figures for repairs until a comprehensive survey is undertaken, recent experience indicates that revenue costs will be around £35,000-40,000 per annum for all the play areas managed by the Council. Staff costs will be about £30,000 revenue. These costs will be met from the existing staff and service budgets for 2006 –07. This excludes capital refurbishment costs (see below para 8.4).
- In 2001 a budget was approved for a refurbishment/replacement programme and that was included as an additional capital item in the draft 2002/03 Council budget. This budget currently stands at £84,375.00. There is also an open space budget which has accumulated from developer contributions over previous years some of which should be allocated to upgrading facilities and some staff costs.

## 8. Environmental and Community Implications

8.1 The effect of any loss of facilities will vary according to the location and access to alternative sites. The loss of any sites catering for the older age range may lead to anti-social behaviour arising.

## 9. Human Resources Implications

9.1 This depends on the option chosen. Option one will have very little implications. Option 2 would have short-term implications and an impact upon Cleansing and Amenities in terms of staff time being re-deployed to other services. The Strategic Manager for Customer Services considers the changed arrangement will have no adverse impact of staff responsibilities.

## 10. Risk Analysis

10.1 High and Medium Risk depending on option selected

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| <b>Appendices:</b>  | None   |
| <b>Background Documents Used in the Preparation of this Report:</b> | <ul style="list-style-type: none"> <li>• Executive Minutes 21 June 2001</li> <li>• Open Space Study, September 2004</li> <li>• RoSPA Inspection Report, November 2005</li> </ul> |

### Previous Decisions Connected with this Report

| Report | Committee & Date | Minute Reference |
|--------|------------------|------------------|
| None   |                  |                  |

