

BRECKLAND COUNCIL

Report of Mark Kiddle-Morris, the Executive Member for Economic and Commercial to the CABINET – 22 February 2011

(Author: Zoe Footer, Land Management Officer)

TRANSFER OF PLAY AREAS – RELEASE OF MONIES

1. Purpose of Report

- 1.1 This report seeks approval for the release of £234,545.75 to transfer Breckland equipped play areas to Swaffham Town Council and Thetford Town Council.

2. Recommendations

It is recommended that the Cabinet:

- 2.1 approve the release of £234,545.75 to transfer the current equipped play areas to Swaffham Town Council and Thetford Town Council.
- 2.2 authorise the Environmental Services Department in conjunction with Capita Symonds to lead on the production of a framework to allow new play areas to be transferred directly from the developer to the Town or Parish Council in which the site is located.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 The principle of this project was approved in 2001 whereby Breckland Cabinet Members adopted the following policies in respect of play areas:

1. the Council will offer to transfer ownership of any area designated open space or play area that is of no strategic significance to Breckland Council to the Town or Parish Council in which the site is located.
2. the Council will make available to the Town or Parish Council any commuted sum associated with any land transfer to their ownership.

3.2 Issues

- 3.2.1 Breckland Council has been in discussion with Thetford Town Council and Swaffham Town Council to support the Council's objective to transfer the equipped play areas to the respective Towns.
- 3.2.2 Breckland Council has this month agreed with Thetford Town Council that our respective legal representative(s) are to be instructed to undertake the transfer of the eight equipped play areas in Thetford. Breckland are to pay a one off sum of £174,270.00 to Thetford Town Council for future maintenance upon completion of the transfer.
- 3.2.3 Following a meeting this month with the Clerk to Swaffham Town Council to discuss any outstanding issues, it is hoped that the Town Council will wish, at this juncture, to instruct their legal representative(s) to enable us to undertake the transfer of the two equipped play areas

in Swaffham. Breckland are to pay a one off sum of £60,275.35 to Swaffham Town Council for future maintenance upon completion of the transfer.

3.2.4 Breckland continues to negotiate the transfer of equipped play areas to the remaining three Towns, Attleborough Town Council, Dereham Town Council and Watton Town Council.

3.2.5 Where Breckland Council manage play areas on behalf of the owners, the management responsibility is not proposed to be transferred as part of this project as the primary goal of this particular project is to transfer legal title of the equipped play areas to the Town Council's. The number of sites falling into this category is diminutive; however the intention is to transfer the management responsibility that Breckland Council has to a third party such as Parish or Town Council, management company or residents association, wherever possible, and in due course.

3.2.6 Breckland currently continues to adopt play areas under the terms of new S106 Agreements and/or Development Control Committee authorisation. These attract a commuted sum payable by the developer upon adoption. The Council negotiate the transfer of new play areas to the Parish or Town Council with any commuted sum received from the developer. These proposed transfers require Cabinet approval. However, should Cabinet agree the recommendation at 2.2 of this report, this will prevent new play areas being adopted by Breckland in the future.

3.3 Options

3.3.1 Approve the release of £234,545.75.

3.3.2 Not to approve the release of £234,545.75.

3.4 Reasons for Recommendations

3.4.1 To ensure the facilities in the play areas are kept to a standard acceptable by the Town Councils and the facilities available could be changed in response to the town appraisals.

4. **Risk and Financial Implications**

4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and can confirm that risk has been given careful consideration, and that there are no significant risks identified associated with the information in this report.

4.2 Financial

4.2.1 Proforma B attached.

5. **Legal Implications**

5.1 There are no specific legal issues that require special comment here.

6. **Other Implications**

a) Equalities – no, implicit within process.

b) Section 17, Crime and Disorder Act 1998 – implicit within process.

c) Section 40, Natural Environmental and Rural Communities Act 2006 – implicit within process.

- d) Human Resources – none.
- e) Human Rights – implicit within process.

7. Alignment to Council Priorities

- 7.1 The matter raised in this report falls within the following council aims and associated priority::
- Building Safer and Stronger Communities – promote a sense of community belonging and pride.

8. Wards/Communities Affected

- 8.1 Swaffham and Thetford.

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Key Decision Status

This is a key decision.

Appendices attached to this report:

List of Breckland play areas in Swaffham and Thetford

Pro forma B