

## **The Vale of Glamorgan Council**

### **Committee Meeting: 23 May, 2016**

### **Report of the Cabinet Member for Visible, Leisure and Regulatory Services**

#### **Peterston-Super-Ely Playing Fields**

##### **Purpose of the Report**

1. To consider a request from Peterston Super Ely Community Council to be granted a long-term lease of Peterston Super Ely Playing Fields including land currently occupied by Peterston Super Ely Tennis Club and to also agree to the dedication of the land as a Field in Trust.

##### **Recommendations**

1. That Cabinet note the request by Peterston Super Ely Community Council for the leasehold acquisition of Peterston Super Ely Playing Fields, including land occupied by Peterston Super Ely Tennis Club and their request that the fields be dedicated under the 'Fields in Trust' scheme.
2. That authority be granted to the Director of Environment and Housing in consultation with the Head of Financial Services and the Cabinet Member for Visible, Leisure and Regulatory Services to offer the land, shown hatched at [Appendix A](#), to the Peterston Super Ely Community Council by way of a 99 year lease which will be subject to the agreed terms which include restrictions and covenants that the land will be retained, maintained and managed as public open space.
3. That authority be granted to the Head of Legal Services in consultation with the Director of Environment and Housing and the Cabinet Member for Visible, Leisure and Regulatory Services to advertise the land shown hatched at [Appendix A](#) for disposal by lease to the Peterston Super Ely Community Council as required by section 123(2A) of the Local Government Act 1972.
4. That delegated authority is granted to the Director of Environment and Housing Services in consultation with the Head of Legal Services to arrange and progress as appropriate the dedication of the land (as shown at [Appendix A](#)) as a 'Field in Trust' jointly with the Community Council.
5. That the Head of Legal Services be authorised to prepare, complete and execute the required legal documentation for both the lease to the Community Council and the Fields in Trust dedication.

## Reasons for the Recommendations

1. To note the requests received.
2. To grant the necessary authority to offer Peterston Super Ely Community Council a lease of the land on suitable terms.
3. To comply with relevant legislation in respect to the sale or lease of public open space land.
4. To authorise the dedication of the freehold land as a 'Field in Trust'.
5. To legally formalise an appropriate lease arrangement and the 'Field in Trust' dedication.

## Background

2. The Vale of Glamorgan Council was approached by Peterston Super Ely Community Council seeking to acquire Peterston Super Ely Playing Fields. Following discussions between the respective officers, appropriate terms have now been agreed, subject to Cabinet authority. The lease will be for a 99 year term at a peppercorn rent; will include land currently leased to Peterston Super Ely Tennis Club; will restrict the permitted use of the land for the purposes of sports and recreation only and will contain covenants relating to the management and maintenance of the land as public open space/public amenity land/playing fields accessible to the public.
3. Most recently, the Community Council has asked if, as the freeholder of the land, this Council would be prepared to enter into a deed of dedication with the charity 'Fields in Trust'. This would mean that the land would become subject to a covenant that the playing fields, and associated facilities for sport, play and recreation will be protected as such in perpetuity. A letter of request in respect to this is attached at [Appendix B](#).

## Relevant Issues and Options

4. The land, which is shown hatched at [Appendix A](#), is in the freehold ownership of the Vale of Glamorgan Council as the successor authority of Cardiff Rural District Council and is registered as such under title number CYM395268.
5. The arrangement proposed would ensure continued security of this Council's land interests whilst also providing the Community Council with a suitable tenure to permit certain grant applications for improvements to the playing fields. All such improvements would have to be agreed first by this Council and this would be detailed within the terms of the lease. The proposal would also provide the community with greater standards of amenity than the Vale of Glamorgan Council is able to afford.
6. It is therefore proposed that the Community Council be offered a 99 year lease for the land subject to suitable terms and conditions including restrictions as to use to ensure protection of this valuable community amenity.
7. The proposal will not be subject to the Council's Community Asset Transfer Guidance 2016-20 as negotiations were opened prior to its implementation. That said, this is an example where working with a community council on a Reshaping theme can yield benefits to both parties and is an example of the work being progressed under the Town and Community Councils and Voluntary Sector Reshaping Services project.

8. The dedication of this land as a Field in Trust will prevent the land from being used for any purpose other than as playing fields without consent first being received from the 'Fields in Trust' charity and this would be in accord with the terms of the lease. The advice from Fields in Trust Cymru is that this would need to be a joint dedication by this Council as freeholder and the Community Council as leaseholder.

### **Resource Implications (Financial and Employment)**

9. The lease arrangement proposed could save this Council £450 per annum in maintenance contribution costs.
10. All costs associated with advertising the land for disposal under Section 123 (2A) of the Local Government Act 1972 and drawing up the legal documentation will be met from the existing Leisure budget.

### **Sustainability and Climate Change Implications**

11. The playing fields represent a valuable amenity for the local community. The offer of a lease for the land could provide an opportunity to increase the land's amenity value over time. This could assist the wellbeing of the community. This is an example of a local issue being taken forward at a time when the Council is seeking to progress its Reshaping Services programme and demonstrates that projects which fall within the Reshaping Services agenda can be locally based as well as more strategic in nature.

### **Legal Implications (to Include Human Rights Implications)**

12. The Council has powers under Section 123 of the Local Government Act 1972 to dispose of land (whether by freehold sale or lease) but cannot ordinarily dispose of any land for less than the best consideration that can be obtained except with the specific consent of the Welsh Ministers or unless the Council can rely on the General Disposal Consent (Wales) 2003.
13. The general consents can be relied on if the Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion of economic well-being; and /or social well-being and/or environmental well-being of the whole or any part of its area, or all or any persons resident or present in its area and the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2m.
14. The Council is satisfied that given the leasehold disposal would restrict the use of the land to that of public recreation, a peppercorn rental only would be applicable and the lease to the Community Council for this consideration will not represent an undervalue of greater than £2 million. Furthermore, the disposal will fit within the Council's well-being powers.
15. In accordance with Section 123 (2A) of the Local Government Act 1972 the Council is legally obliged to publish notice of its intention to dispose of open space for two consecutive weeks in a newspaper circulating in the area in which the open space is situated.
16. Once it has been agreed that the land is suitable for selection and dedication as a Field in Trust and the terms and conditions of that dedication agreed, it will become subject to formal deed of dedication incorporating a covenant which will protect the land in perpetuity.

## **Crime and Disorder Implications**

17. None.

## **Equal Opportunities Implications (to include Welsh Language issues)**

18. None.

## **Corporate/Service Objectives**

19. This report contributes to Well-Being Outcome 4 - 'An Active and Healthy Vale' and specifically objective 7: 'Encouraging and Promoting Active and Healthy Lifestyles and the following action:

'Work in partnership to deliver a range of activities through our leisure and community facilities and parks to increase levels of participation and physical activity'.

## **Policy Framework and Budget**

20. This is a matter for Executive decision.

## **Consultation (including Ward Member Consultation)**

21. The Ward Member supports the Community Council requests for the grant to the Community Council of a lease for the land.

## **Relevant Scrutiny Committee**

22. Environment and Regeneration.

## **Background Papers**

None.

## **Contact Officer**

Dave Knevett - Operational Manager, Leisure Services

## **Officers Consulted**

Group Estates

Legal Services - Committee Reports

Visible Services - Accountant

Head of Visible Services and Transport

## **Responsible Officer:**

Miles Punter - Director of Environment and Housing Services.