

Meeting of:	Cabinet
Date of Meeting:	Monday, 01 July 2019
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Proposed Multi-Use Games Area, King George V Playing Field, Llandough
Purpose of Report:	To seek approval to lease an area of land at King George V Playing Field, Llandough to Llandough Community Council for the development of a Multi-Use Games Area.
Report Owner:	Cabinet Member for Leisure, Arts and Culture
Responsible Officer:	Miles Punter Director of Environment and Housing Services
Elected Member and Officer Consultation:	Operational Manager - Property Operational Manager - Legal Operational Manager - Operations Operational Manager - Regeneration Head of Neighbourhood Services and Transport Principal Landscape Architect Senior Planner (S106) Neighbourhood Services Manager
Policy Framework:	This report is a matter for Executive Decision by Cabinet.

Executive Summary:

- Approval is sought to lease an area of land at King George V Playing Field, Llandough to Llandough Community Council in order for the Community Council to construct and operate a Multi-Use Games Area (MUGA) on the site.
- The land is deemed public open space so the disposal by lease will need to be advertised pursuant to S123 (2A) of the Local Government Act 1972.
- The Community Council has secured the majority of funding for this new facility, including a contribution from this Council's Strong Communities Grant scheme, but require a lease to secure a loan from Welsh Government for the balance.
- The Community Council has requested the assistance of this Council's Principal Landscape Architect to project manage the scheme and are have agreed to pay for this service.

Recommendations

1. That the Monitoring Officer / Head of Legal and Democratic Services be authorised to advertise the proposed lease of public open space land to Llandough Community Council in line with the provisions of Section 123 (2A) of the Local Government Act 1972. Any objection to the loss of public open space will be reported back to Cabinet for consideration.
2. That providing there are no objections to the loss of public open space, the Director of Environment and Housing Services be authorised in consultation with the Head of Finance to agree terms and conditions for a 25 year lease to Llandough Community Council of an area of land at King George V Playing Fields, Llandough shown at Appendix A to this report, to allow the Community Council to develop a Multi-Use Games Area on the site.
3. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation should no objections be received.
4. That the Council's Principal Landscape Architect acts as the Project Manager for the design and construction of the Multi Use Games Area for which a fee will be charged to the Community Council.

Reasons for Recommendations

1. To ensure the correct statutory procedure is followed on the disposal of public open space under Section 123 (2A) of the Local Government Act 1972.
2. To permit Llandough Community Council to construct a multi-use games area for the benefit of residents.
3. To ensure the execution and completion of the appropriate legal documentation subject to there being no public objections to the scheme.
4. To ensure that the Multi Use Games Area is designed and constructed to a good quality and that any fees are paid for by the Community Council.

1. Background

- 1.1 A letter has been received from Llandough Community Council requesting to lease an area of land at King George V Playing Field, Llandough (shown in Appendix A) to enable the development and construction of a Multi-Use Games Area (MUGA) on the site.
- 1.2 Llandough Community Council has already secured the majority of funding to construct a new Multi-Use Games Area and has been in discussions with officers from this Council about potential locations for the new facility as the Community Council do not own any suitable land.
- 1.3 Following a number of site visits, a suitable area has now been identified at the King George V Playing Field in Llandough and consequently, the Community Council will shortly be making a loan application to Welsh Government to complete their funding requirements for this new facility.

2. Key Issues for Consideration

- 2.1 The Community Council has requested a 25 year lease at a peppercorn rent for the land shown at Appendix A. The Community Council has seen the success of similar Multi-Use Games Areas across the Vale of Glamorgan and feel this new facility will benefit the residents of Llandough.
- 2.2 The Community Council has also requested that the Vale of Glamorgan Council's Principal Landscape Architect acts as their Project Manager for the design and construction of the scheme for which a fee will be charged. This will ensure that the new facility will be built to a good quality consistent with other Multi-Use Games Areas across the Vale of Glamorgan.

- 2.3** The land referred to is deemed to be public open space and as such any disposal of the land by lease would be required to be advertised in accordance with the statutory requirements as set out in Section 4 of this report.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The proposals in this Report will enable the Council to continue to work towards the Well-being Outcome, An Active and Healthy Vale and in particular work being undertaken to deliver our objective 'encouraging and promoting active and healthy lifestyles. Activities will also contribute to our objective of 'reducing poverty and social exclusion'. In delivering these objectives the Council will also be contributing to all of the national well-being goals, in particular 'a healthier Wales'.
- 3.2** The proposals also emphasise the Council's commitment to collaboration, partnership working and enabling organisations to improve facilities which benefit themselves at no cost to the Council.
- 3.3** The proposals will allow Llandough Community Council to progress their objective of providing quality additional facilities for the local community.
- 3.4** Good quality outdoor recreation facilities can improve health and well-being and assist in preventing illnesses associated with insufficient physical exercise.

4. Resources and Legal Considerations

Financial

- 4.1** As detailed in the report, the Community Council has requested that the land be leased to it at a peppercorn rent (a nominal rent of £10 per annum). The Community Council will be responsible for the repairs and maintenance to the multi-use games area for the term of the lease.
- 4.2** A sum will be due to the Council for the services of the Principal Landscape Architect who will Project Manage the scheme for the Community Council.

Employment

- 4.3** There are no direct resource implications associated with this Report.

Legal (Including Equalities)

- 4.4** The proposal is to grant a 25 year lease to the Community Council on terms and conditions to be agreed with it. The lease will contain appropriate provision concerning the operation and maintenance of the new facility etc.
- 4.5** 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
- 4.6** 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.
- 4.7** The Council is satisfied that given the leasehold disposal to the Community Council would restrict the use of the land to that of a play area that is accessible to the public, a nominal rental only would be applicable and the therefore, a lease to Llandough Community Council for this consideration will not represent an undervalue of greater than £2 million.
- 4.8** 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, and consider any objections to the proposed disposal which may be made to it.
- 4.9** Should objections be received a further report will be provided to Cabinet detailing the objections to permit Cabinet to consider the matter further prior to any lease being issued.

5. Background Papers

Letter from Llandough Community Council 6th March 2019.

