



AGENDA ITEM: 5(m)

CABINET: 12th January 2016

**Report of: Assistant Director Community Services
Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (People and Places)
Managing Director (Transformation)**

**Relevant Portfolio Holders: Councillor Y. Gagen
Councillor I. Moran**

**Contacts for further information: Mr S. Kent (Extn. 5169)
(E-mail: stephen.kent@westlancs.gov.uk)
Mrs R. Kneale (Extn. 2611)
(E-mail: rachel.kneale@westlancs.gov.uk)**

SUBJECT: LAND TRANSFERS IN HESKETH BANK

Wards affected: Hesketh-with-Becconsall

1.0 PURPOSE OF THE REPORT

- 1.1 To consider a request from Hesketh-with-Becconsall Parish Council for the transfer of three areas of Borough Council owned open space land to their ownership, together with a potential fourth area should this be adopted by the Borough Council in due course, and to transfer any commuted sums negotiated from developers for the management of these sites. Also to consider sub-contracting maintenance works on a further piece of land to the Parish Council.

2.0 RECOMMENDATIONS

- 2.1 That the transfer of land at Ashbrook Close, Becconsall Gardens (when negotiations with the developer are completed) and Glen Park Drive in Hesketh Bank be approved as shown on the plans attached, to Hesketh-with-Becconsall Parish Council subject to any necessary statutory consultations being undertaken and considered.
- 2.2 That negotiations be completed with the developers for the commuted sums of £35,000 for Ashbrook Close and £3,500 for Becconsall Gardens and these sums be transferred to the Parish Council subject to completion of the land transfers.

- 2.3 That negotiations continue with Morris Homes as developer of the Poppyfields site regarding the adoption of the open space and play area, and upon conclusion to our satisfaction the Council subsequently approve the transfer of the facilities and commuted sum to the Parish Council subject to any necessary statutory consultations being undertaken and considered.
- 2.4 That the request from the Parish Council for them to be sub-contracted to maintain land at Sydney Avenue be refused.
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3.0 BACKGROUND

- 3.1 Hesketh-with-Becconsall Parish Council is keen to improve the quality of public open space available to its local community. For open space they manage they have a planned programme of maintenance including mowing and litter picking every fortnight, and weekly during the summer, weekly inspections of open space, and play equipment inspected quarterly by specialists, and a further programme of non-essential maintenance including painting of railings.
- 3.2 They also feel that local management of public open space and facilities will support their aspirations to improve quality whilst also promoting public engagement. To support these aspirations they are keen to own and/or manage the public open space and recreational facilities in the parish, and have put in a request for some areas of land currently owned and managed by the Borough Council to be transferred to them, plus a further area of land which will ultimately be transferred from a developer to the Borough Council.

4.0 CURRENT POSITION

- 4.1 The following areas of land are the subject of this request from the Parish Council (Location plans attached as appendix 1):
- 4.1.1 Ashbrook Close – A piece of public open space of approx. 2242 sq m. consisting of a grassed area, trees and a small centre feature. The land has within the last month been transferred to the Borough Council along with a commuted cash sum, specifically for its maintenance. It is now requested that ownership and monies are now transferred to the Parish Council. The Parish Council have been maintaining this land voluntarily since May 2015.
- 4.1.2 Becconsall Gardens – A small, narrow parcel of land of approx. 1328 sq m which abuts the Parish Councils existing play area to the west and north sides. Similarly the Parish Council now requests transfer of the land and commuted sum received to maintain it. This land is in the process of being transferred from the developer to the Borough Council, subject to some small scale remediation works. The Parish Council have been maintaining this land voluntarily since April 2015.
- 4.1.3 Glen Park Drive – Two rectangular parcels of grassed land of approx. 702 sq m on both sides of Glen Park Drive. This is currently owned and maintained by the Borough Council. The Parish Council have requested that the maintenance of this land is also carried out by the Parish Council as contractor.

- 4.1.4 Poppyfields - A large expanse of public open space which runs between Poppyfields and The Green incorporating a play area, open ditches and a United Utilities Foul Sewer pumping station and storage tank. The pumping station, storage tank and access routes have been adopted by United Utilities and Lancashire County Council. However, the public open space and play area, together measuring approx. 5462 sq m have yet to be adopted by the Borough Council. The Parish Council would wish to take over the open space and play area along with a suitable commuted sum to be agreed.
- 4.1.5 Sidney Avenue – A small triangular grassed parcel of land of approx. 287 sq m at the junction of Sidney Avenue and Norwood Avenue. This highway land is currently maintained by the Borough Council on behalf of Lancashire County Council. The Parish Council have requested that the maintenance of this land is transferred to the Parish Council as contractor.

5.0 PROPOSALS

- 5.1 It is proposed that the Borough Council transfers ownership of the sites at Ashbrook Close and Beconsall Gardens along with the commuted sums received for their maintenance, as requested.
- 5.2 In respect of Glen Park Drive the Borough Council would not consider sub-contracting the Parish Council to undertake contract maintenance works, however, would be agreeable to a transfer of ownership on the basis that the Parish Council also accepted maintenance responsibilities at their own cost.
- 5.3 In respect of Poppyfields the developer, Morris Homes, took the option to maintain the public open space and play area themselves for the first 7 years until it could be adopted by the Borough Council. However, this adoption has not yet taken place and could only proceed if the facilities in question were up to adoptable standard. Further negotiations are required with the developer to complete the adoption procedure.
- 5.4 It is proposed therefore that these negotiations with the developer proceed and if successfully concluded the Borough Council take ownership of this land along with a commuted sum for its maintenance, which, subject to consultation, it would subsequently transfer to the Parish Council. The Council would seek to recover the cost of any statutory advertising from the Parish.
- 5.5 In respect of Sidney Avenue the land is classified as highway land and the Borough Council is therefore contracted to LCC to carry out this work. This land is part of a much larger contract and therefore the Council would not see any benefit in sub-contracting this small parcel of land to the Parish Council to undertake maintenance works.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 Local ownership and management of public open space would promote community involvement and local management whilst improved and increased areas of outdoor recreation would promote healthy communities.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 Ashbrook Close, Beconsall Gardens and Glen Park Drive would be transferred to the Parish Council for a nominal sum. The combined value of these parcels of land is under £5,000 therefore this undervalue transaction would be permitted as it would not exceed £2 million, and the local ownership and management of the Parish would allow greater community input and liaison so benefitting the social and environmental well-being of the area. The Council would impose suitable covenants on the Parish to ensure that use was restricted to open space.
- 7.2 The commuted sums of £35,000 for Ashbrook Close and £3,500 for Beconsall Gardens will be received from the developers specifically for the maintenance of these areas. These sums would be transferred to the Parish Council along with the land transfer. There would be no transfer of funds in relation to Glen Park Drive, the Borough Council would, therefore make a small saving on the cost of maintaining this land. The cost of maintenance of Sydney Avenue would remain unaltered.
- 7.3 The costs of bringing Poppyfields to adoptable standard, and a commuted sum for the maintenance thereafter, would be the responsibility of the developer. It is proposed that, upon adoption, the Borough would transfer the land and commuted sum to the Parish Council. This parcel of land is valued at under £5,000 therefore, as in 7.1 a nominal sum transfer would be permissible as the land value would not exceed £2 million and transfer to local ownership would improve social and environmental well-being in the area.
- 7.4 The Council would seek to include within the disposal documents obligations upon the Parish Council to maintain the sites to specific standards. By these standards the grassed areas would be maintained as amenity grassland and mown 10 times during the growing season; shrub beds would be thinned annually and weeded twice during the growing season; hard standing would be kept clean and damage repaired as required; and standard trees would be monitored and tree ties replaced if damaged.

8.0 RISK ASSESSMENT

- 8.1 Whilst these areas remain in the ownership of the Borough Council the liability for them as areas of public open space will be retained.
- 8.2 The transfer of the commuted sums would be on exchange of an agreement, as with all S106 sums, which would stipulate how the funds are to be spent, and would detail forfeiture upon non-compliance.
- 8.3 Should the Council agree to this land transfer request and the Parish Council not accept the land transfer, the maintenance responsibility would then fall back upon the Borough Council. A proportion of the commuted sum would then become repayable to the Borough Council to cover their costs.
- 8.4 All S106 funds need to be spent as stipulated in the S106 agreement and within a set timescale, usually 10 years from payment. Transferring these funds to the Parish Council would fulfil the timescale for use by the Borough Council.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix 1 – Location plans of land in Hesketh Bank
Appendix 2 – Equality Impact Assessment

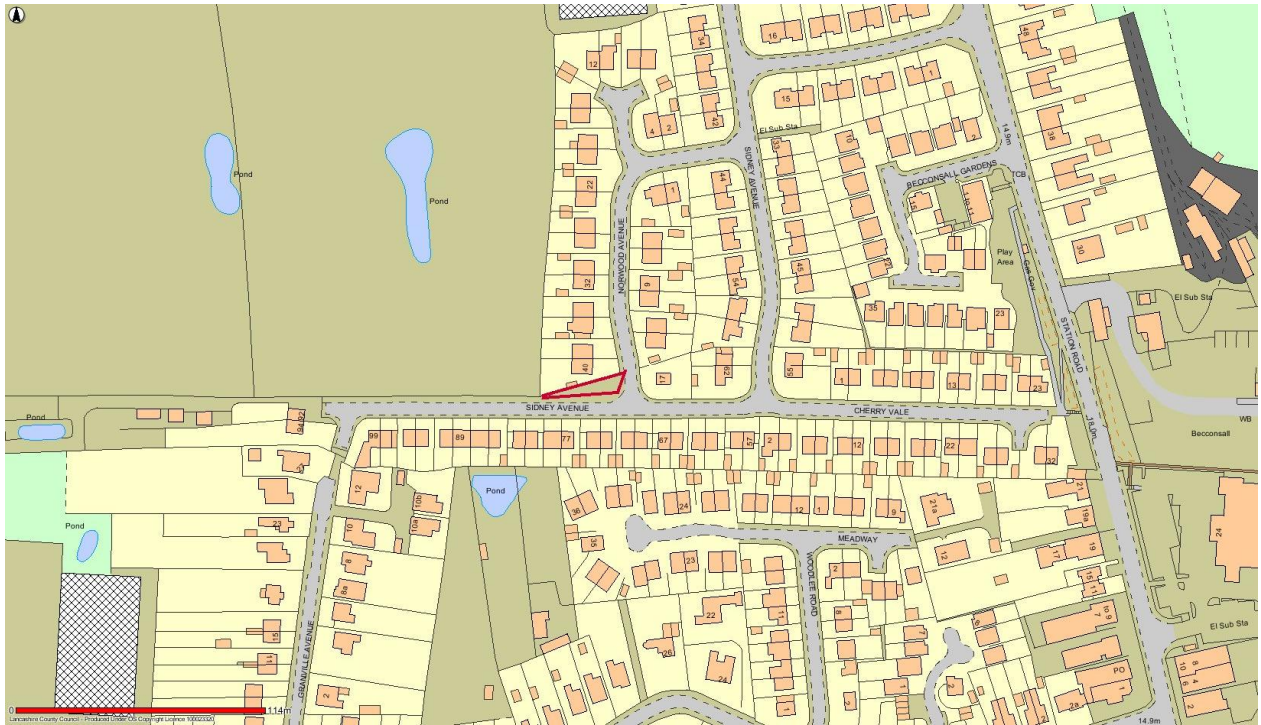
1. Ashbrook Close



2. Beconsall Gardens



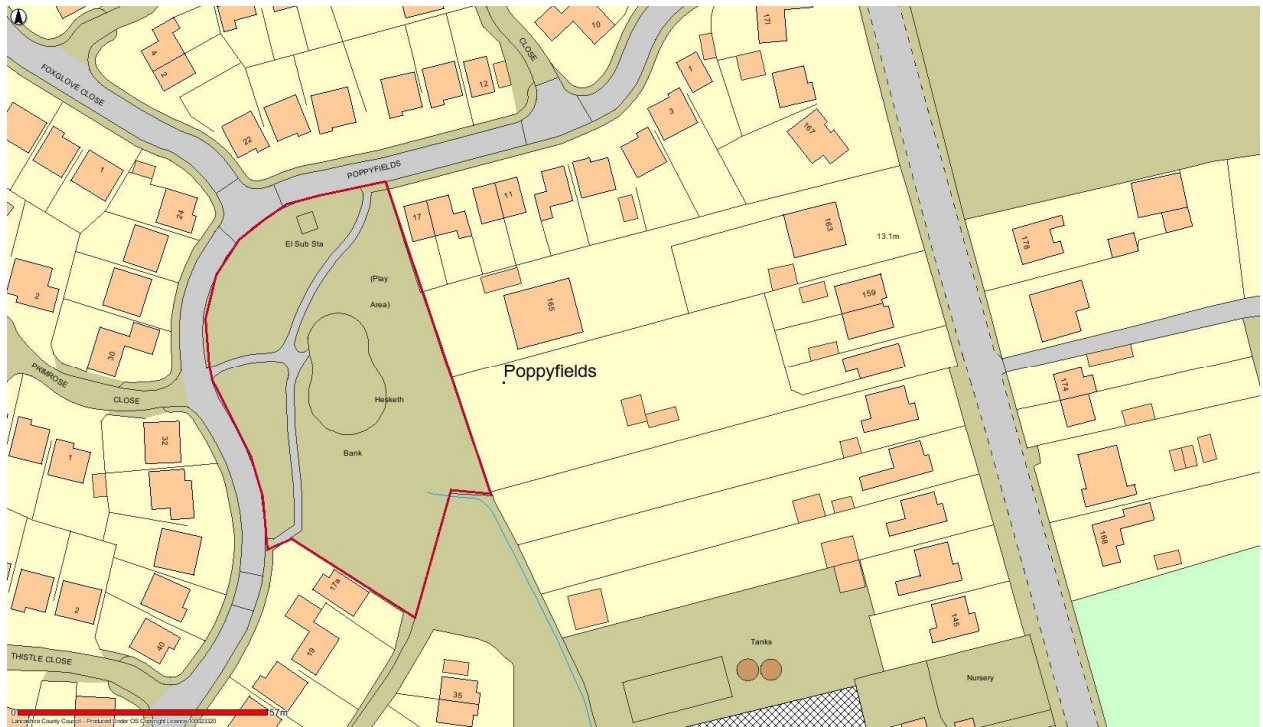
3. Sidney Avenue




4. Glen Park Drive



5. Poppyfields



<h1 style="text-align: center;">Equality Impact Assessment Form</h1> 	
Directorate: Community Services	Service: Leisure, Cultural & Arts
Completed by: Stephen Kent	Date: 30/07/2015
Subject Title: Land Transfers in Hesketh Bank	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	Request from Parish Council to take on ownership and/or maintenance responsibilities for 5 areas of public open space in Hesketh Bank
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local Community/Parish Council
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All community

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Local community for outdoor recreation
What will the impact of the work being carried out be on usage/the stakeholders?	Improved maintenance should increase useage
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Parish Council wishes to improve maintenance of public open space
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Feedback from Parish Council
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Improved public open space, including play areas will help all ages, but particularly younger age group
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	On-going monitoring.
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	September 2016. Reviewing officer – Stephen Kent