

# THE TRANSFER OF THE DISTRICT COUNCIL'S PUBLIC OPEN SPACE IN ARMITAGE WITH HANDSACRE TO THE PARISH COUNCIL

Report of Cllr David Leytham, Cabinet Member for Leisure and Operational Services

Date:	12 February 2019
Agenda Item:	7
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Key Decision?	YES
Local Ward Members	Cllr Tittley, Cllr Marshall & Cllr Cox.

**CABINET**

## 1. Executive Summary

- 1.1 Lichfield District Council owns and manages several small areas of open space within the parish of Armitage with Handsacre.
- 1.2 Armitage with Handsacre Parish council also own and manage open space within its parish.
- 1.3 It would make sense to consolidate the management and ownership and an opportunity has now been presented on the basis that the parish council has indicated that it would prefer to be in control of local assets for its local community. This supports the principle of devolvement, community ownership and is an approach that has been successfully developed previously by LDC with Chasewater to Staffordshire County Council, POS in Whittington to the parish council and POS at Gentleshaw to Longdon PC.

## 2. Recommendations

- 2.1 That Cabinet agree to the transfer of LDC assets in the Parish of Armitage with Handsacre to the parish council.
- 2.2 That covenants are placed on the land to protect the council's financial position from future sale and or development of the sites, in particular where an asset has a potential capital receipt value.
- 2.3 That the S106 Agreement Commuted Sum of £185,913 and all its obligations for its intended use of the management and maintenance of Hawksyard play area, be transferred to the parish council.
- 2.4 To acknowledge that a license to operate at the war memorial car park has been granted to support the parish council's ambitions of improvement works to the War Memorial.

## 3. Background

- 3.1 Ward Members from Armitage with Handsacre Parish Council approached the council to transfer a small car park adjacent to the parish's memorial which they wished to acquire so that improvement works could be completed ready for the WW1 centenary commemorations in November 2018.
- 3.2 Officers from the district council suggested that a more holistic approach to POS in the parish should be applied and that the parish council should agree to adopt all LDC POS in the parish as part of this transfer. LDC's land ownership includes a car park and 3 small areas of open space at Chestnut Close,

Harvey Road and Canon Lane (Hawksyard) and 2 walkways at Poplars Road/Harvey Road and Poplars Rd/St Barbara's Road.

- 3.3 This transfer will continue to protect the open spaces and embraces the Localism Act 2011 by empowering local people to influence the way in which sites within their community are managed and used. The parish council has agreed to this approach.
- 3.4 The district council benefits because it reduces its POS estate; the reduction is minimal compared to the councils wider land ownership, so whilst savings from this cannot be crystallised into cash, it will enable several parts of the council to manage their services more effectively in addition to compliance with the F4F review.
- 3.5 The benefits from re-applying these resources will materialise as we continue to reduce our estate and we seek economies of scale and increased efficiency as a result. This is particularly relevant with the likely withdrawal of SCC funding for the maintenance of highway verges in the district which will have an impact on the grounds maintenance work profile.
- 3.6 The car park has an asset value of £30,000, but has a wider social and community value with it being located adjacent to the local doctors and shops and being the primary safe parking option for local residents wishing to use these facilities. So whilst it has an asset value of £30k it has a greater value as a car park to the local community and if the council reduces its service provision as outlined in paragraph 3.5 the cost savings are likely to exceed this amount in any event.
- 3.7 A covenant will be placed on all assets (including the car park) prior to transfer to ensure that they retain their current use. Whilst this is a robust and diligent approach, the local parish authority has also indicated that they wish to protect the local facilities.
- 3.8 The Hawksyard development has an open space with play area and an associated S106 Agreement with a commuted sum (transfer value £185,913) specifically for the management, maintenance and improvement of this particular area.
- 3.9 The S106 agreement does not specify a time period for the allocation of the commuted sum, just that it needs to be spent directly on the play area. This is a 'live' pot and draw down takes place on a rolling process so the exact figure will only be known at the time of transfer. No other funds or financial contributions will be made available as part of the transfer or in future years
- 3.10 On 12 June 2018, Cabinet awarded Armitage with Handsacre Parish Council £120,000 in S106 monies for re-siting/improvement of Armitage War Memorial and surrounding area; secured through Schedule 2 Part 2 Paragraph 2(b) of a S106 agreement associated with the planning application 03/00627/OUT (Hawksyard).
- 3.11 The grant allocated towards the refurbishment of the Armitage War Memorial is managed through the S106/CIL Joint Member Officer Group which has its own project delivery monitoring process and therefore doesn't need any decision from this report.
- 3.12 In November 2018, the district council granted the parish council a license to occupy the car park, so that it could bring forward the delivery of the war memorial improvements.

<b>Alternative Options</b>	<p>There are a number of options that have been considered.</p> <p>The council could retain all or some of these sites but that would be contrary to the Fit for the Future Review's objectives for reducing the size of the estate.</p> <p>The council could seek to remove the protection that these sites enjoy and promote them for development. Enquiries have been made of all of these sites and they are protected by designations like Green Belt, planning obligations, covenants, or are popular and valued open spaces where there is a requirement for good quality parks.</p>
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	<p>The council could seek to sell these sites to 3<sup>rd</sup> parties for a capital receipt but a sale is unlikely given their restrictions.</p>
<p>Consultation</p>	<p>The Council has discussed the proposals with Ward Members from Armitage with Handsacre Parish Council and Asset Strategy Group (ASG).</p> <p>The findings of the Fit for the Future consultation programme suggested that 52% of respondents agreed with the aspiration to transfer parks and open spaces to other organisations. 34% disagreed.</p> <p>Previously, Members of ASG have been consulted, support the process and endorsed reporting the proposal to Cabinet.</p>
<p>Financial Implications</p>	<ol style="list-style-type: none"> <li>1. The car park has an asset value of £30k and the council will place a covenant on the transfer to protect its interests. The car park is a key component in the package of open spaces being transferred and without its inclusion the transfer would not take place and there are benefits as outlined in paragraph 3.6.</li> <li>2. The Hawksyard development has an open space with play area and an associated S106 Agreement with a commuted sum (currently £205,913 as reported in the MTFs) specifically for the management, maintenance and improvement of this particular area. Maintenance costs for 2018/19 have not been withdrawn from this sum but are expected to be £20k. This leaves a transfer sum of £185,913.</li> <li>3. Initially the transfer is not expected to achieve significant financial savings for LDC with total revenue savings for car park management being £388.63 p/a.</li> <li>4. The total GM costs for POS maintenance at these sites is £4461, this is broken down into chemicals, manpower, fuel and machinery. Manpower and machinery costs make up the bulk of this cost and therefore revenue budgets cannot be reduced following the transfer because they're used at other sites</li> <li>5. There will be non-cashable savings and efficiencies for street cleansing and grounds maintenance that will allow for redeployment of resources into additional areas such as external works and new adoptions.</li> <li>6. Whilst there is no impact on savings for the council at this stage, the obligations on the council's maintenance requirements will reduce which gives us more flexibility in responding to the county council's proposed reduction in grass cutting. This is likely to present an opportunity to realise cashable savings in terms of reduction in staffing and machinery.</li> <li>7. Both parties to pay their own legal fees, expected to be in the region of £2k each.</li> <li>8. The council will place a covenant on the conveyance which allows for no development or change of use of the site without the Council's (as former owner) permission.</li> </ol>
<p>Contribution to the Delivery of the Strategic Plan</p>	<p>The provision of well-maintained public open space helps achieve the following:</p> <ul style="list-style-type: none"> <li>• The creation of safe, strong and proud communities</li> <li>• The improvement of people's health and wellbeing.</li> </ul>

	The transfers of these sites will protect and in some cases enhance these areas of public open space.
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Equality, Diversity and Human Rights Implications	None specific to this report
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Crime & Safety Issues	None specific to this report
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GDPR/Privacy Impact Assessment	A Privacy Impact Assessment has been undertaken
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The district council cannot agree terms with the Parish Council	Negotiations and discussions have taken place at an appropriately senior level with both parties.	Green
B	Adverse reaction from users and residents	A communications plan can be prepared and implemented to explain why these proposals are in the best interests of the sites, users and taxpayers.	Green
C	The other party fail to manage the sites properly and associated reputational issues	The transfer agreements will commit the Parish Council to maintain the areas for public open space. The Parish council is accountable to its electorate at a local level.	Green

Background documents:
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Relevant web links
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