

# TEIGNBRIDGE DISTRICT COUNCIL

## EXECUTIVE PART 1

10 MARCH 2020

<b>Report Title</b>	<b>Proposed letting of part of the Recreation Ground to Shaldon Parish Council at King George V Park Play Area Shaldon Devon TQ14 0BP</b>
<b>Purpose of Report</b>	To secure approval to the granting of a 20 yr. lease to Shaldon Parish Council of part of the Recreation Ground at King George V Park Shaldon
<b>Recommendation(s)</b>	<b>That the Executive resolve to:</b>  (1) Grant a 20 year lease of part of KGV Recreation ground to Shaldon Parish Council as shown edged red on the attached plan, for the nominal rent of £1 (one pound) per annum which will be used as a children's play area and pump track.  (2) To approve the leasing of part of the Park to Shaldon Parish Council on the terms outlined in the Heads of Term's and as attached under Appendix 2 but subject to such other terms and conditions as the Interim Head of Commercial Services considers appropriate and taking account of the Council's Disposal Policy (4 <sup>th</sup> December 2018).
<b>Financial Implications</b>	The letting of the play area to Shaldon Parish Council will remove the obligation on Teignbridge to repair, replace and maintain the existing play equipment. The play area does not have a wide selection of equipment and the equipment was installed some time ago and is showing signs of age. There is no identified funding at this stage, for its replacement. It will also reduce grounds maintenance costs as the Tenant will be responsible for maintaining both the Pump Track & the Play Area.
<b>Legal Implications</b>	<p>The Title Deeds show that Teignbridge Council hold the land on Trust for the benefit of the inhabitants of the Parishes of Shaldon St Nicholas and Teignmouth. Consequently, the Council is required forevermore to ensure that the land is and remains available as a Public Pleasure, Recreation or Play Ground is cared for, maintained and managed as a Recreation Ground or Playing Field.</p> <p>The letting of the land to the Parish Council in the manner proposed is not considered to be a breach of the Council's obligations as the use of the land will not change. However, the Parish Council should be required to enter into a covenant with the Council to observe and perform the obligations in its stead.</p>

	Consent for the letting may be required from the Charity Commission.
<b>Risk Assessment</b>	There is not considered to be any significant risk to the Council in the granting of the proposed lease. To do so will in fact reduce the Council's exposure to risk as the Parish Council will take over the responsibility for maintenance and repair of the play equipment.
<b>Environmental/ Climate Change Implications</b>	No specific implications relating to climate change or the environment need to be considered as part of this proposal however, the Parish Council have agreed to use reasonable endeavours to replace the existing play equipment with sustainable and natural materials, where possible.
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<b>Portfolio Holder</b>	Councillor Alan Connett Portfolio Holder for Corporate Resources
<b>Appendices</b>	1 - Proposed lease plan 2 - Proposed Heads of Terms 3- Proposal & Design Brief from SPC

## 1. Background

The original Park was purchased in 1912 by the village of Shaldon to provide a permanent place for recreation and play for all generations of children who reside and visit the village. The Park combines a fenced off play area which can be used all year round and a football pitch which is principally used during the autumn and winter months, both of which overlook the Estuary.



Land Edged Blue - KGV football pitch

Land Edged Red - KGV Play area

Land Edged Green - Shaldon primary school

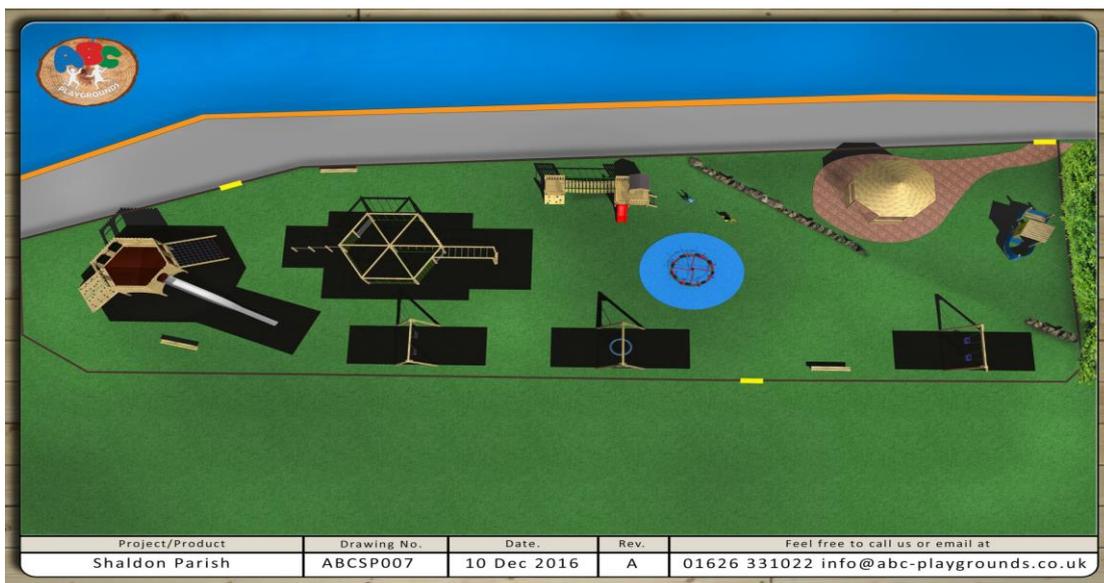
- 1.1 King George V Park & play area is owned and maintained by the Teignbridge District Council but due to lack of funding, it has not been possible to replace or modernise the ageing equipment for over 20 years so some of the installations have already been removed by the Council for safety reasons.
- 1.2 The extent of the Council's ownership is detailed under Appendix 3 which is the Title plan for the Park. The Park is protected by the 'Fields in Trust' stipulations recorded in the King George V Trust Deeds which safeguard this recreational space for use by future generations.
- 1.3 The play equipment would benefit from replacement and modernisation in order to generate additional use and interest, however, the Council has no budget available to enable it to invest in such a project.
- 1.4 On 27<sup>th</sup> July 2019 Shaldon Parish Council issued a Community Asset Transfer application to the Council requesting a lease of the play area.
- 1.5 Heads of Terms for a new lease of 20 years have been agreed with the Parish Council and they are attached under Appendix 2 with the extent of their proposed ownership highlighted in red on the plan attached under Appendix 1. The new lease will be accompanied by a Licence to Alter which will allow the Parish Council to install new play equipment for young children and a pump track for teenagers.
- 1.6 The Parish Council have access to various Funding sources which Teignbridge Council do not, so they will be able to replace the existing equipment in the Park with more interesting furniture, which should in turn increase the frequency of use, greatly improving the health and wellbeing of those using the Park.

## **2. REPORT DETAIL**

### **2.1 The Proposal**

It is recommended that a new fully repairing and insuring lease is granted to the Parish Council which will enable them to obtain the necessary funding required to secure the long term future of the Play Area and Pump Track land.

- 2.2 In return, the Parish Council have requested that the lease is granted at £1.00 per annum with no reviews for the length of lease.
- 2.3 The proposed layout of the new play area and pump track is illustrated below and includes sheltered seating and brightly coloured equipment made from natural material. If any planning consent is required for the new installations, the Parish Council will be obliged to secure it, as well as any Building Control approvals.



Proposed new play area – KGV Recreational Ground, Shaldon



Proposed new Pump Track – KGV Recreational Ground, Shaldon

2.5 The Parish Council have provided a Proposal & Design Brief which was prepared by the KGV Play Park Committee who are a group of local residents. This report is attached under Appendix 3 and it scopes out the issues with the current Park and provides a clear Strategy for the future, including how they will deliver modern, safe and stimulating play facilities for children up to the age of 15 years old.

2.6 This report confirms that Pump track is likely to cost £45,000 and the play area approx. £80,000

### 3.0 Financial

The cost of maintaining the leased areas will be borne by the Tenant, Shaldon Parish Council.

## **4.0 Legal**

The Title Deeds show that Teignbridge Council hold the land on Trust for the benefit of the inhabitants of the Parishes of Shaldon St Nicholas and Teignmouth. Consequently, the Council is required forevermore to ensure that the land is and remains available as a Public Pleasure, Recreation or Play Ground is cared for, maintained and managed as a Recreation Ground or Playing Field.

The letting of the land to the Parish Council in the manner proposed is not considered to be a breach of the Council's obligations as the use of the land will not change.

However, the Parish Council will be required to enter into a positive covenant with the Council to observe and perform the obligations in its stead.

Consent for the letting may be required from the Charity Commission.

## **5.0 Risks**

The Council need to apply to the Charity Commission in order to obtain approval to this letting but it is not anticipated that approval, if required, will not be granted. There is also a remote risk that someone may legally challenge the granting of a lease to Shaldon Parish Council but that is considered unlikely.

## **6.0 Environmental/Climate Change Impact**

There is not considered to be any environmental/climate change impact based on the Recommendations of this report.

## **7.0 Best Value Considerations**

7.1 Granting a lease at a rent of £1 per annum. It is recommended that the lease provides best consideration as the proposed use, while not contributing financially will make a significant contribution to economic, social or environmental well-being for the area.

7.2 The Council is therefore recommended to accept the proposed lease term in view of the none financial benefits the transaction will provide, in order to satisfy the Councils obligations to achieve best value from its assets.

## **8.0 OPTIONS**

8.1 The Council are unable to fund new equipment so without external investment in the park it is possible that it might have to close at some point in the future.

8.2 The Council could offer the play area on the open market to see whether there would be interest from the private sector but any such interest is likely to involve charging for use of any play area which would be contrary to the public interest and breach the terms of the Trust.

## **9.0 CONCLUSION**

The recommended course of action is as follows:

- 1) Grant a 20 year Lease and Licence to Alter of part of KGV Recreation Ground to Shaldon Parish Council at a peppercorn rent.

- 2) Approve the leasing of part of the Park to Shaldon Parish Council on the terms outlined in the Heads of Terms and as attached under Appendix 2 but subject to such other terms and conditions as the Interim Head of Commercial Services considers appropriate and taking account of the Council's Disposal Policy (4<sup>th</sup> December 2018).