

REFERRED FROM COMMUNITY COMMITTEE – 21 JUNE 2007

Committee: Operations Committee

Agenda Item

Date: 28 June 2007

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Title: GREENWAYS PLAY AREA

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Item for decision

Summary

- 1 The Council currently owns one play area in Greenways in Saffron Walden and major work is needed to refurbish the area. The Council does not have the expertise and resources in-house to manage play areas and discussions have been held with Saffron Walden Town Council regarding the possibility of the play area being transferred to Town Council ownership (along with a contribution of £20,000 towards the refurbishment) and absorbed into their existing inspection and maintenance arrangements. This action is, of course, dependent upon the Town Council agreeing (at its June committee meeting) to accept the transfer of the play area and the outcome of a survey to local residents to identify if the play area is required in that location and, if so, what equipment is required.

Recommendations

- 2 That Members' recommend
 - a) To the Operations Committee on 28 June and Council on 31 July 2007 that the area of land containing the children's play area, shown hatched at Appendix 1, (and possibly a little more land if it is decided to enlarge the play area, to be negotiated by officers) be leased on a peppercorn rental to Saffron Walden Town Council for a period of 99 years if the Town Council also approves of this arrangement;
 - b) that a capital contribution of £20,000 be made to Saffron Walden Town Council towards the refurbishment and maintenance of the play area if the resident's survey demonstrates a requirement for such a play area, and
 - c) officers work with Saffron Walden Town Council to raise external funding to enable a suitable range of equipment to be installed on the site.

Background Papers

- 3 Quotations for some refurbishment obtained from three companies: Wicksteed Leisure, Absolutely Safe Surfaces Ltd. and SMP Playgrounds.

Impact

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Communication/Consultation	Local residents will be informed of the way forward and provided with a questionnaire to determine the requirements for this area.
Community Safety	The play area needs to be refurbished for health & safety reasons.
Equalities	Currently the play area equipment does not cater for children with disabilities but any new equipment would comply with this requirement.
Finance	There is no provision in the current capital programme. There was provision in the 2005/2006 capital programme but it was not carried through to subsequent programmes.
Human Rights	None.
Legal implications	There is a legal duty to obtain the best price on any disposal which can be circumvented in certain circumstances and the District Valuer has been asked to confirm that the value of this land is below £2m. Additionally, as designated open recreational space it cannot be sold as development land. Proceeding with the proposal would, therefore, be subject to the advice received from the District Valuer. If the play area transfers to the Saffron Walden Town Council then all liabilities for the area would also transfer.
Sustainability	Transferring the play area (if it is to be retained for play) would provide a sustainable future for it as part of the Town Council's stock of play areas.
Ward-specific impacts	The impact would be on the Shire Ward.
Workforce/Workplace	Impact on Leisure team this proposal would release time spent on playground issues. Currently, the grounds maintenance team maintain the surface and this element would be removed from the grounds maintenance

	work.
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Situation

- 5 The Greenways play area comprises wooden seats and wooden climbing frame with a slide as well as a “springy chicken” and was taken over by the District Council when it was constructed some years ago. It is the only play area that the District Council owns as all others are owned and maintained by Town and Parish Councils. Therefore, the Council does not have any expertise and resources in-house to inspect the play area on a daily/weekly basis nor does it have a refurbishment budget specifically associated with it. Inspection costs have been borne by the leisure budgets and the area is included in the grounds maintenance budgets but neither of these budgets could fund the redevelopment of the site.
- 6 The inspection carried out by Wicksteed Leisure Ltd., recommended refurbishment of the equipment and provision of safety surfacing. Currently, the surface is bark chip and this is now not recommended by the National Playing Fields Association because it cannot be cleaned easily as dog faeces and glass etc., become embedded in the bark and pose a health and safety hazard for children.
- 7 Due to the lack of in-house resources to look after the play area, discussions have been held with the Saffron Walden Town Council regarding Greenways being added to their existing stock of play areas for which they employ inspection and maintenance staff. The Town Clerk will be submitting a report to a Town Council meeting on 20 June 2007 to seek views on this proposal, however, the Town Council would require a financial contribution towards the redevelopment of the area. This report was written before the matter could be considered by the Town Council and the decision will be reported verbally at the meeting of this Committee.
- 8 Originally, three quotations were sought for replacing the safety surfacing in accordance with the Financial Regulations and the quotes were around £12,000, the costs for refurbishing the play equipment would need to be added to that. It would, therefore, seem appropriate that a contribution of £20,000 be made to the Saffron Walden Town Council if the arrangements contained within this report are accepted.
- 9 The provision of any play equipment will be an additional cost, and would also result in ongoing maintenance responsibilities, and either existing staff members having to be specially trained to inspect the play equipment on a regular basis, which is a requirement in terms of health and safety, or recruiting or obtaining the services of specialists who would be able to undertake this role on behalf of the Council, at additional cost. The Town Council has the expertise in dealing with these matters, as it is currently responsible for other play areas in the town, and would be best placed to

ensure the best and safest use of the area for recreation to the benefit of residents of the town.

- 10 The Council has the power to dispose of land in any manner it wishes. The only constraint is that any disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the sale.
- 11 However, that consent is not required for a sale at less than best value if the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well being of the local authority's area or part of it, and the difference in value is less than £2 million.
- 12 The land was transferred to the Council as a result of obligations set out in a Section 106 agreement entered into by the developer of the properties at Greenways. The land is restricted to use as public open space, so carries little freehold value. The District Valuer has been asked to confirm this. The Council is bound to continue to mow the grass, keep it in a neat and tidy condition and keep it available as public recreation which incurs a cost to the Council.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
That a young person might have been injured on the play area prior to it being closed due to the condition of the area.	High	High	The play area to be closed and the equipment removed.
That the Town Council may not agree to the proposal to take over the play area.	Medium	High	The District Council will need to allocate resources for regular inspections of the play area. Officers will need to explore external funding for the refurbishment of the area.

APPENDIX 1

Uttlesford District Council- Local Land Charges

MAP REFERENCE: TL5437SW SCALE: 1:1250

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LOCATION PLAN FOR SEARCH: