

Agenda Item No: 7

**Report No:
20/16**

Report Title: Devolution of Open Spaces to Town and Parish Councils

Report To: Devolution Committee Date: 2 February 2016

Cabinet Member: Cllr Bill Giles

Ward(s) Affected: All

Report By: Gillian Marston, Director of Service Delivery

Contact Officer(s)-

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Purpose of Report:

To provide an update on progress against the Project Plan for devolving a number of open space assets to Town and Parish Councils

Officers Recommendation(s):

- 1** That the Devolution Committee notes the report and agrees the Project Plan, timescales and next steps.
- 2** That the Devolution Committee makes a recommendation to Cabinet to approve the transfer of land to Newhaven Town Council as detailed within this report.

Reasons for Recommendations

- 1** At the meeting on 26 October 2015, Devolution Committee agreed to receive formal updates on the project progress.

Information

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- 2.1** Special Expense charges for open spaces and recreation areas have been a key driver generating discussions on the devolution of open space assets with Town and Parish Councils.

- 2.2** When a Town or Parish Council takes on a devolved asset, it will include the running and administrative costs within its own precept (budget). This means that the cost is included in the local town or parish council tax. Because Lewes District Council no longer owns the asset, it incurs no cost of ownership and the Special Expenses charge will end.

Project Update

- 2.3** To enable the land transfers, there is a considerable amount of background work involving Legal Services, Property, Finance, and Parks which must take place prior to the drafting of agreements between the parties. Appendix A sets out the steps which must be followed for each transfer.
- 2.4** Negotiations with Newhaven Town Council (NTC) are progressing and it is proposed that the following sites are transferred to NTC by April 2016:
- (a)** Eastside Rec & Allotments
 - (b)** Riverside Park
 - (c)** Valley Road Play Area
 - (d)** Avis Road Rec
 - (e)** Drove Park
 - (f)** Denton Rec/Cricket Club
- 2.5** Additionally, it is proposed to transfer the play area known as the Maltings, Cooksbridge, to Hamsey Parish Council by April 2016.
- 2.6** The Project Activity Progress Sheet (Appendix A) sets out the current position of each asset to be transferred.
- 2.7** Each party to the transfer will undertake its own diligence to ensure that all facts are established and understood prior to concluding the transaction.
- 2.8** The sites proposed for transfer will be advertised as a disposal under Section 123 of the Local Government Act 2000. The transfers will only take place if no objections are received.
- 2.9** It is recommended that Devolution Committee approves the transfer of the land, subject to approval by Cabinet in March 2016.

Financial Appraisal

- 3.1** When an asset is devolved, the cost of ownership passes from this Council to the local Town or Parish Council.
- 3.2** NTC currently maintains the area known as Riverside Park/Lewes Rd rec.
- 3.3** The following financial information will be presented at the meeting:
 - (a)** A statement of the revenue/capital financial impact of the transfer;
 - (b)** A list of any associated reserves/balances that could be considered for transfer, including Developer contributions (s106 deposits) that are held;
 - (c)** A statement of the asset values (existing use) being transferred.

Legal Implications

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- 4.1** There are no additional legal implications arising as a result of this report.

Risk Management Implications

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- 5.1** There are no risks arising as a result of this report.

Equality Screening

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- 6.1** I have carried out an Equality Impact Assessment. There are no equality implications as a result of this report as the land will be transferred on an existing use basis and the report relates to a change of ownership only.

Background Papers

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Appendices

