

**Agenda Item No:** **Report No:** 143/15

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

**Report To:** Devolution Committee **Date:** 26th October 2015

**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 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 the Lead Member for Finance and Resources for the transfer of land at The Forges, Ringmer; Malling Recreation Ground, Lewes; and Landport Bottom; Lewes.
  - 3 That Devolution Committee meets on a quarterly basis to review progress against the project plan.
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#### **Reasons for Recommendations**

- 1 At its meeting on 27<sup>th</sup> January 2015, Devolution Committee agreed to receive formal updates on the project progress.

#### **Information**

2

- 2.1 In 2011 the National Association of Local Councils (NALC) issued a report called Managing Double Taxation, which identified a growing

opportunity for Town and Parish Councils to provide local services. Against this background, Cabinet implemented a policy of Special Expense charging from the 2014/2015 financial year as a precursor to encouraging more devolution of its assets to Town and Parish Councils. The Special Expenses approach means that the cost that Lewes District Council incurs in managing and maintaining each of the open spaces that it owns is paid for by only those council taxpayers in the local Town or Parish council area in which the open space is located.

- 2.2** 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.
- 2.3** 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.
- 2.4** The impact of devolving an open space can be summarised as follows:

	Before devolution	After devolution
LDC owns site	✓	✗
Town or Parish Council owns site	✗	✓
Cost of ownership (eg management and maintenance) in LDC budget	✓	✗
Cost of ownership (eg management and maintenance) in Town or Parish Council budget	✗	✓
Local taxpayers fund cost through Special Expense element of LDC Council Tax	✓	✗
Local taxpayers fund cost through Town or Parish Council Council Tax	✗	✓

## Project Update

- 2.5** 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.
- 2.6** Initially, it was envisaged that devolution of three sites (Landport Bottom, Malling Recreation Ground and The Forges) would be completed by

March 2015, with completion of the remaining sites by April 2016. It has not been possible to achieve that timescale for four reasons:

- (a)** Negotiations with Lewes Town Council (LTC) have taken longer than was initially anticipated. This is partly due to the changes in personnel within LDC and partly because there was a failure to reach agreement on the purpose of the overage clauses and restrictive covenants that LDC wished to include in the deed of transfer. Agreement has now been reached.
  - (b)** Until the negotiations with LTC had reached a mutually satisfactory stage, negotiations with other Town or Parish Councils were put on hold.
  - (c)** A phased approach to handing over the assets has been negotiated with Newhaven Town Council (NTC), and LTC are due to submit their suggested programme of transfers shortly, with the aim of completing 3 transfers every three months between now and April 2017.
  - (d)** Each transfer will involve what could be a significant amount of background work by Officers to achieve the transfer (as mentioned above in 2.5 and set out in Appendix A and B).
- 2.7** Transfer of the key sites listed at Appendix B should be achieved by April 2017.
- 2.8** The Project Activity Progress Sheet (Appendix B) sets out the current position of each asset to be transferred. Seaford Town Council (STC) has requested more time as they are working to deliver a number of other projects. It is for that reason that negotiations with STC have not begun.
- 2.9** There are three assets which are ready to be transferred now: Landport Bottom, Lewes; Malling Recreation Ground, Lewes; and The Forges, Ringmer. To give the Town and Parish Councils surety for budget setting purposes (usually November), it is recommended that Devolution Committee makes a recommendation to the Lead Member for Finance and Resources to transfer the land at the earliest opportunity.
- 2.10** Each party to the transfer has undertaken its own diligence to ensure that all facts are established and understood prior to concluding the transaction.
- 2.11** The sites proposed for transfer have been advertised as a disposal under Section 123 of the Local Government Act 2000 and no objections were received.
- 2.12** For land known as The Forges, Ringmer; and Malling Recreation Ground, Lewes; an agreement has been drafted on the basis that the transfer will be at nil value to reflect the continuation of the existing use. An overage clause has also been agreed so that LDC may recoup the uplift in value if the planning use changes. It is recommended that the

land at The Forges is transferred to Ringmer Parish Council and Malling Recreation Ground is transferred to LTC.

- 2.13** In respect of the land at Landport Bottom, Lewes District Council and Lewes Town Council are joint owners of the land which is subject to a number of restrictive covenants. As Lewes Town Council are joint owners, it is recommended that the land is transferred to Lewes Town Council without an overage provision.
- 2.14** The next sites to be transferred will be: The Malthouse play area, Cooksbridge; Eastside Recreation Ground and Allotments, Newhaven; Riverside Park & Lewes Road Rec, Newhaven; and the Valley Road play area, Newhaven.
- 2.15** It is anticipated that the process going forward will be smoother now that general principles and documents have been agreed.
- 2.16** At its meeting in January 2015, Devolution Committee agreed to meet on a quarterly basis to review progress. It is recommended that these quarterly meetings are set in line with the project plan, so that Devolution Committee can make recommendations to Cabinet or the Lead Member for the transfer of assets.

## **Financial Appraisal**

### **3**

- 3.1** When an asset is devolved, the cost of ownership passes from this Council to the local Town or Parish Council. The devolution of Landport Bottom, Malling Recreation Ground in Lewes and The Forges Ringmer had been expected to be completed by March 2015, and no provision for operational costs had been made within this Council's budget for 2015/2016.
- 3.2** Since 1 April 2015, Ringmer Parish Council has been maintaining The Forges open space at its own expense. This Council has continued to maintain Landport Bottom and Malling Recreation, incurring a monthly grounds maintenance cost of £2,700 in addition to the cost of ad-hoc work. The total cost incurred in 2015/2016 will be funded from the General Fund balance.
- 3.3** At the time that the Devolution Committee considers each tranche of assets for devolution, the following financial information will be presented:
  - (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**

**4**

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

## **Risk Management Implications**

**5**

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

## **Equality Screening**

**6**

- 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**

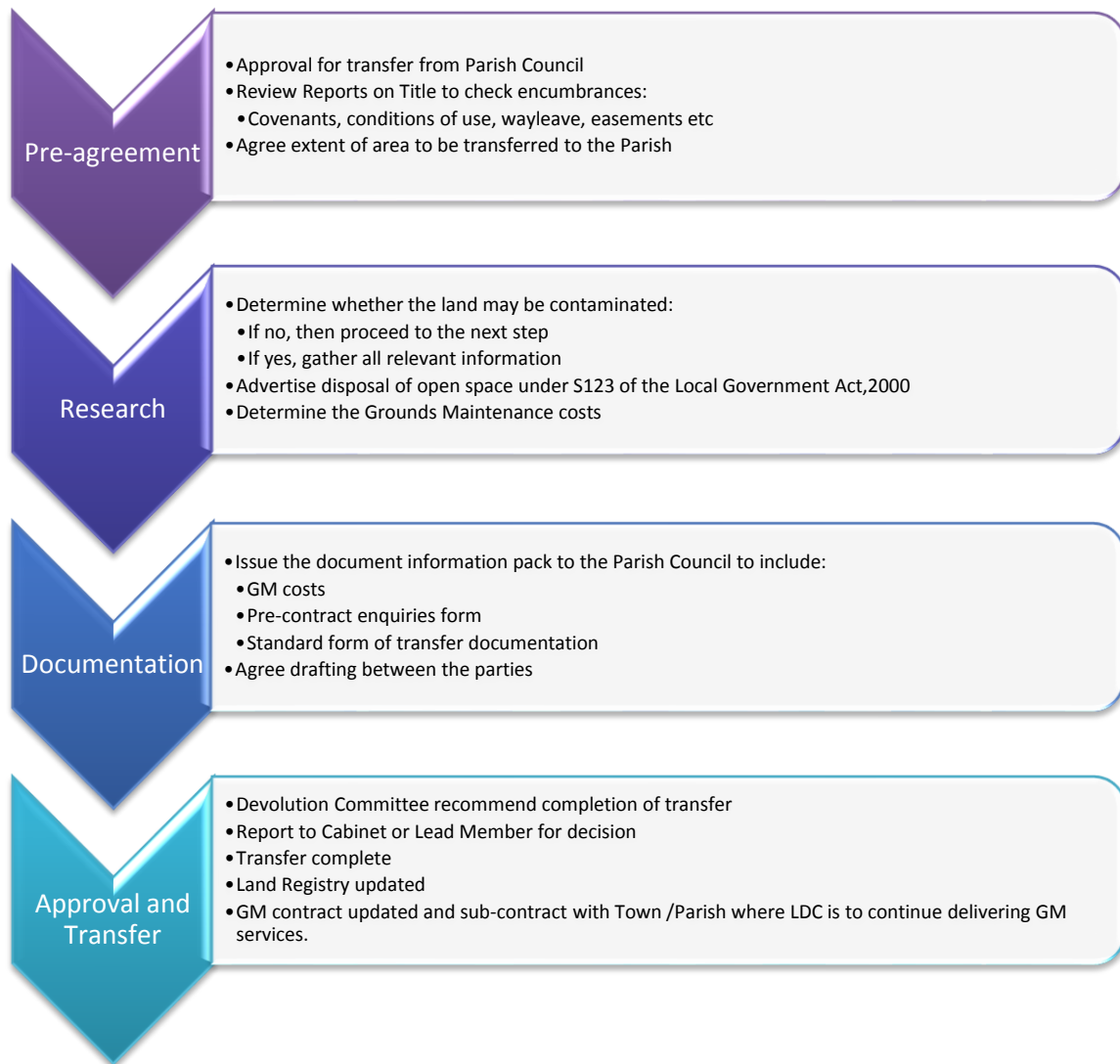
**7** None

## **Appendices**

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|----------|-------------|---------------------------------|
| <b>8</b> | Appendix A: | Devolution Activity Key Stages  |
|          | Appendix B: | Project Activity Progress Sheet |

## Appendix A

### Devolution Activity Key Stages



## PROJECT ACTIVITY SHEET - Key Sites

### Appendix B

Lewes	Town/Parish Authority	Agree Demise	Review Reports on Title	Finalise Plan	Contamination Y/N/Possible	Advertise Disposal	Objections to Disposal?	Determine GM Costs	Information Pack Sent	Draft Transfer Docs	Approval for Transfer	Completion Estimate
Landport Bottom	Y	Y	Y	Y	N	Y	N	Y	Y	Y		01/12/2015
Malling Recreation Ground	Y	Y	Y	Y	Y	Y	N	Y	Y	Y		01/12/2015
Barons Down					N							
Bell Lane					N							
Grange Road												
Lansdown Place												
Lewes Railway Land					P							
Malling Railway Cutting					P							
Southover Grange Gardens					N							
The Gallops Lewes					N							
Timberyard Lane					P							
Valence Road					N							
Waite Close					P							
Stanley Turner Rec					N							
Convent Field					N							
The Paddock (leased from ESCC)					P							

Newhaven	Town/Parish Authority	Agree Demise	Review Reports on Title	Finalise Plan	Contamination	Advertise Disposal	Objections to Disposal?	Determine GM Costs	Information Pack Sent	Draft Transfer Docs	Approval for Transfer	Completion Estimate
Eastside Rec & Allotments	Y	Y	Y		N	Y	N	Y				01/04/2016
Riverside Park	Y				P							01/04/2016
Valley Road Play Area	Y				N							01/04/2016
Avis Road Rec	Y				P							01/04/2016
Drove Park	Y											01/04/2016
Denton Rec/Cricket Club	Y											01/04/2016
West Quay/Hugget's Green	Y				P							01/04/2017
Fort Road Rec, Court Farm Rd	Y				N							01/04/2017
Castle Hill					N							
Meeching Down												

Peacehaven	Town/Parish Authority	Agree Demise	Review Reports on Title	Finalise Plan	Contamination	Advertise Disposal	Objections to Disposal?	Determine GM Costs	Information Pack Sent	Draft Transfer Docs	Approval for Transfer	Completion Estimate
Firle Road Walkway					N							
Lake Park					N							
Meridian Park					N							
Peacehaven Cliff Tops					N							

Chailey, Hamsey, Telscombe & Ringmer	Town/Parish Authority	Agree Demise	Review Reports on Title	Finalise Plan	Contamination	Advertise Disposal	Objections to Disposal?	Determine GM Costs	Information Pack Sent	Draft Transfer Docs	Approval for Transfer	Completion Estimate
The Martlets, Chailey					N							
The Malthouse, Cooksbridge	Y	Y	Y	Y	N			Y				01/04/2015
Telscombe Cliff, Tops					N							
The Forges, Ringmer	Y	Y	Y	Y	N	Y	N	Y	Y	Y		01/12/2015

#### Key

Complete	
Next Step	
Delayed	