

Meeting of:	Cabinet
Date of Meeting:	Monday, 14 February 2022
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Stradling Park Llantwit Major
Purpose of Report:	To transfer Stradling Park to Llantwit Major Town Council in accordance with the protocol for considering requests from Town and Community Councils for the operation and transfer of assets for services once the area becomes vacant.
Report Owner:	Report of the Cabinet Member for Leisure, Arts and Culture
Responsible Officer:	Miles Punter – Director of Environment and Housing
Elected Member and Officer Consultation:	Accountant Environment and Housing Legal – Committee Reports Operational Manager – Accountancy Operational Manager Property Local Members for Llantwit Major
Policy Framework:	This Report is within the Policy Framework and Budget
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Llantwit Major Town Council has notified the Vale of Glamorgan Council that they would like to take over responsibility for Stradling Park in Llantwit Major. • The proposed transfer would be in accordance with the previously agreed protocol for the transfer of assets or facilities to Town and Community Councils. • The Town Council has requested a 99-year lease and are also seeking permission to apply to Fields in Trust to nominate and dedicate the land as public open space. • The area is presently planned to be used by Housing as a site office for major housing improvement works in the immediate area. Any transfer would be delayed until this work is complete. Housing will reinstate the area prior to leaving site to a minimum of its current condition but will also discuss improvements they can make with the Town Council. 	

Recommendations

1. That the Monitoring Officer/Head of Legal and Democratic Services in consultation with Director of Environment and Housing Services be authorised to advertise the disposal of the open space in accordance with Section 123 (2A) of the Local Government Act 1972 with any objections received being reported to Cabinet for consideration.
2. That subject to recommendation 1, authority is granted to transfer Stradling Park in Llantwit Major to Llantwit Major Town Council by way of a 99-year lease in accordance with the Council protocol approved in 2018 for the operation and transfer of assets or services to Town and Community Councils in the Vale of Glamorgan.
3. That subject to recommendation 1, authority is granted to the Director of Environment and Housing Services in consultation with the Head of Finance / Section 151 Officer to agree terms and conditions for a 99-year lease to Llantwit Major Town Council including a peppercorn rent and covenants to maintain the land as public open space.
4. That subject to recommendation 1, permission be granted to Llantwit Major Town Council, on the completion of the lease, to apply to Fields in Trust to nominate Stradling Park for dedication under the Fields in Trust Scheme in order to protect the park as open space.
5. That subject to recommendation 1, authority is granted to the Monitoring Officer/Head of Legal and Democratic Services to prepare execute and complete all documentation in connection with the transfer of the land to Llantwit Major Town Council including those in connection with the Fields in Trust nomination and dedication.
6. That subject to recommendation 1, the transfer occurs after the present Council housing works in the area are complete, as the park is the only suitable site compound for these works.

Reasons for Recommendations

1. To comply with the relevant legislation in respect of the disposal of open space land.
2. To allow Llantwit Major Town Council to improve this public open space whilst reducing the maintenance costs of the Vale of Glamorgan Council.
3. To grant the necessary authority to enter into a lease with Llantwit Major Town Council on suitable terms.
4. To authorise the dedication of the land as a 'Field in Trust'.
5. To legally formalise an appropriate lease arrangement and the 'Field in Trust' dedication.
6. To allow works to progress on much needed housing improvement works.

1. Background

- 1.1** A request has been received from Llantwit Major Town Council for them to take over responsibility for Stradling Park in Llantwit Major (location plan of site is attached at Appendix A).
- 1.2** In 2018 the Council approved a protocol for the operation and transfers of assets or services to Town and Community Councils in the Vale of Glamorgan detailing certain principles that must be applied to any such transfers (Minute number C353, 2nd July 2018 refers).

2. Key Issues for Consideration

- 2.1** Stradling Park is a good example of an area that would benefit from a transfer to another organisation as it will offer the opportunity of increased management of the area and reduce operational costs for this Council. The proposal put forward by the Town Council meets the requirements of the transfer protocol.
- 2.2** Within its application for the transfer of Stradling Park to it, Llantwit Major Town Council is also requesting permission to apply to nominate the park with Fields in Trust and if accepted, to enter into a deed of dedication which will protect the park as public open space for future generations.
<https://www.fieldsintrust.org/wales>
- 2.3** Llantwit Major members for the Vale of Glamorgan Council have been consulted on this Report and are firmly in favour of the proposed transfer.
- 2.4** The park is presently being prepared as the site compound for essential Council housing upgrading works in the immediate area as no other suitable land for this purpose is available in the vicinity. Therefore, any transfer would need to wait until this work is complete and the park is re-instated to its former condition. Housing have indicated that some funds would be available for some upgrading of the area to provide benches etc. It is suggested that these proposals are discussed with the Town Council to ensure that they meet their requirements in managing the area moving forward. The use of the land as a compound is likely to be for a maximum of six months.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The proposed transfer of Stradling Park to Llantwit Major Town Council demonstrates the Council's commitment to partnership working and provides a clear example of collaborative working where it is acknowledged that a piece of public open space can be looked after more effectively by a local organisation.
- 3.2** Obtaining Fields in Trust status for Stradling Park would demonstrate the Council's long-term planning for recreation areas and assist in delivering a quality open space for future generations and would also demonstrate the Council's commitment to collaboration by working in partnership with both the Town Council and Fields in Trust.

4. Resources and Legal Considerations

Financial

- 4.1** A small saving will be generated as the Vale of Glamorgan Council will not be responsible for future maintenance of the park.

Employment

- 4.2** There are no direct employment implications associated with this report.

Legal (Including Equalities)

- 4.3** The Council has the powers under section 123 of the Local Government Act 1972 to dispose of land in any manner it wishes. The only constraint is that a disposal must be for the best consideration reasonably obtainable, otherwise the Council must obtain the consent of the Welsh Government. However, under the General Disposal Consent (Wales) 2003 if the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of promotion/ improvement of economic well-being; promotion/ improvement of social well-being; promotion/ improvement of environmental well-being; and the 'undervalue' is 2m or less, then there will be an exception to achieving best consideration.
- 4.4** Furthermore, although the Stradling Park will be maintained as an open space, the fact it will be leased to Llantwit Major Town Council means it is a disposal of land consisting or forming part of an open space and therefore, the disposal needs to be advertised pursuant to section 123(2A) of the Local Government Act 1972 and the Council must consider any objections made to the disposal.
- 4.5** Once it has been agreed that the land is suitable for selection and dedication as a Field in Trust and the terms and conditions of that dedication agreed, it will become subject to formal deed of dedication incorporating a covenant which will protect the land in perpetuity. This Council as the freeholder of the land will be required to be a party to the deed of dedication.

5. Background Papers

None.

Appendix A

