

Meeting of:	Cabinet
Date of Meeting:	Thursday, 19 October 2023
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Seel Park, Dinas Powys
Purpose of Report:	To transfer Seel Park to Dinas Powys Community Council in accordance with the protocol for considering requests from Town and Community Councils for the operation and transfer of assets or services.
Report Owner:	Cabinet Member for Neighbourhood and Building Services
Responsible Officer:	Miles Punter – Director of Environment & Housing Services
Elected Member and Officer Consultation:	<p>Accountant Environment and Housing</p> <p>Legal – Committee Reports</p> <p>Operational Manager – Accountancy</p> <p>Operational Manager Property</p> <p>Local Ward Members have been consulted</p>
Policy Framework:	This Report is within the Policy Framework and Budget and for Executive Decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Dinas Powys Community Council has notified the Vale of Glamorgan Council that they would like to take over responsibility for Seel Park in Dinas Powys. • The proposed transfer would be accordance with the previously agreed protocol for the transfer of assets or facilities to Town and Community Councils. • The Community Council has requested a 99-year lease and will continue to work with an established Friends Group for the Park. • In addition, discussions are on-going regarding a potential deed of dedication with Fields in Trust and permission is also sought to allow this progress if agreed with the Community Council. This will provide access to additional grant opportunities as well as providing further protection for this valuable piece of public open space. 	

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 Seel Park in Dinas Powys to the responsibility of Dinas Powys Community Council on 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, the Director of Environment and Housing Services in consultation with Head of Finance / Section 151 Officer and the Monitoring Officer/Head of Legal and Democratic Services be authorised to agree terms and conditions for a 99-year lease to Dinas Powys Community Council for a peppercorn rent and including covenants to maintain the land as public open space.
4. That subject to Recommendation 1, authority is granted to the Monitoring Officer/Head of Legal and Democratic Services to prepare execute and complete all necessary documentation in connection with the transfer of the land to Dinas Powys Community Council.
5. That subject to it being agreed with the Dinas Powys Community Council a Deed of Dedication with Fields in Trust be progressed by the Director of Environment and Housing Services in consultation with other relevant officers.

Reasons for Recommendations

1. To comply with the relevant legislation in respect of the disposal of open space land.
2. To allow Dinas Powys Community Council to improve this public open space whilst reducing the maintenance costs to the Vale of Glamorgan Council.
3. To grant the necessary authority to enter into a lease with Dinas Powys Community Council on suitable terms.
4. To legally formalise an appropriate lease arrangement and any other documents required.
5. To provide additional grant opportunities and to assist in protecting the land as public open space for future generations.

1. Background

- 1.1 A request has been received from Dinas Powys Community Council for them to take over responsibility for Seel Park in Dinas Powys (a 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).
- 1.3 Discussions have also been held with the Community Council in relation to a potential Deed of Dedication with Fields in Trust.

2. Key Issues for Consideration

- 2.1 Seel Park which comprises a wooded area and play area, is a good example of a local 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.
- 2.2 The proposal put forward by the Community Council meets the requirements of the transfer protocol and offers the opportunity to manage the green area further for the benefit of residents.
- 2.3 A deed of Dedication for the site would require both the Community Council and this Council to agree an application. A Deed of Dedication would provide further opportunities for grants as well as providing additional protection to this valuable piece of Public Open space for future generations.
- 2.4 A Friends of Seel Park Group exists and has been involved in fundraising and the development of additional activities. The transfer will enable the Community Council to bid for grant funds for the park that this Council is unable to access.
- 2.5 Paragraphs 5.1 to 5.2 of this report summarise the financial implications.

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

- 3.1 The proposed transfer of Seel Park to Dinas Powys Community 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 A Friends of Seel Park Group exists and has been instrumental in seeking improvements to the Park. The Friends Group will continue to work with Dinas Powys Community Council once the transfer is complete.

4. Climate Change and Nature Implications

- 4.1 The area for transfer includes a wooded area and play area. It is the Community Council's aim to improve these areas to support nature conservation and enable people to further enjoy the open space.

5. Resources and Legal Considerations

Financial

- 5.1** A small saving will be generated as the Vale of Glamorgan Council will not be responsible for future maintenance of the Park.
- 5.2** An external valuation report has been sought. The Council's valuer has stated that as the site is being transferred by lease to Dinas Powys Community Council on the basis that it continues to be used as a park and children's playground for the benefit of the local community, the site has limited development potential for any other use, and that Dinas Powys Community Council will be taking on the cost liability for maintaining the park, including grass cutting and maintenance of the children's playground equipment, the property has a nil rental value. It will further be responsible for any replacement of the equipment over the next 99 years. The valuer has also confirmed that the site has nil capital value based on its current use, and that any transfer from the Council to Dinas Powys Community Council on a 99 year peppercorn rent.

Employment

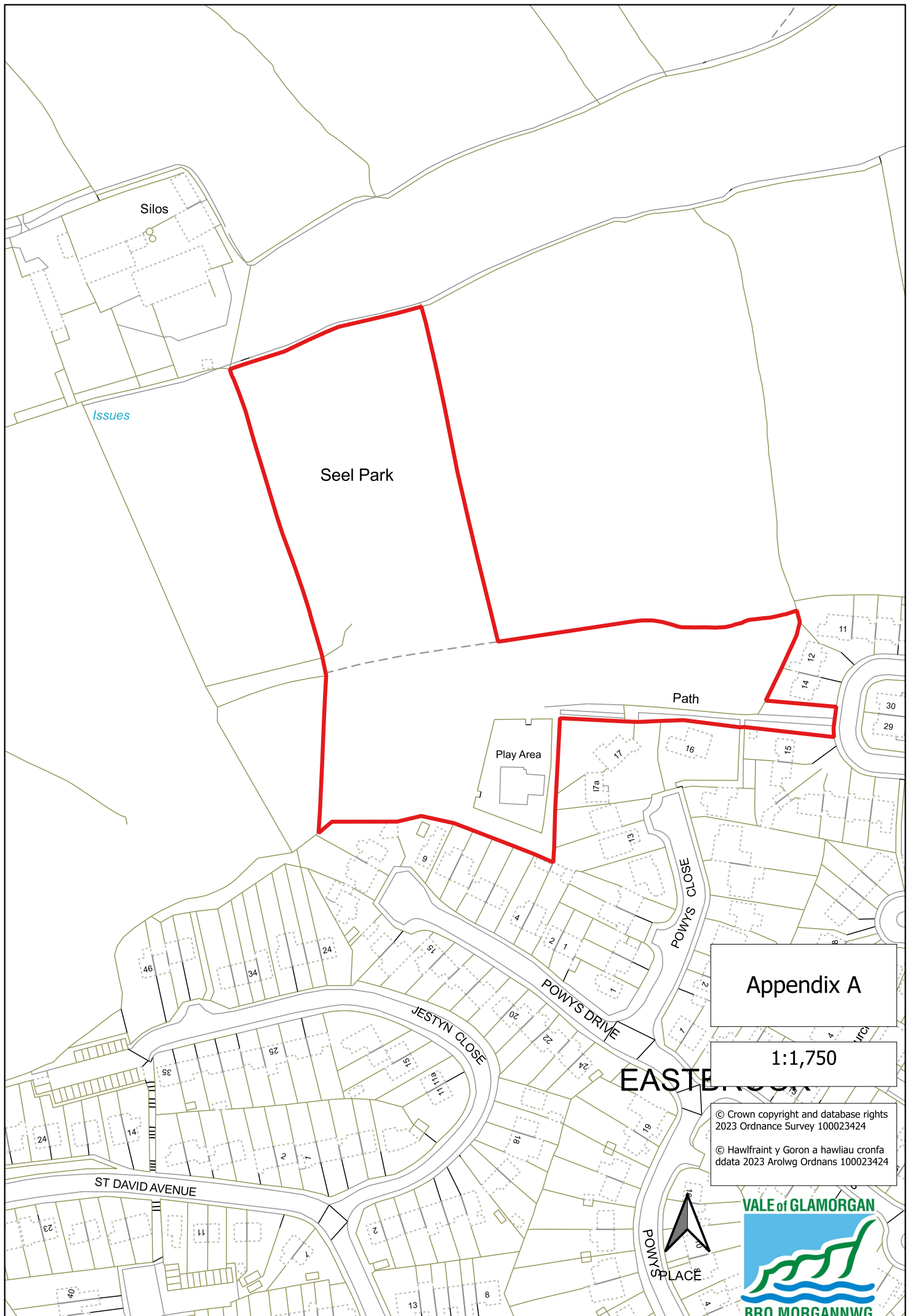
- 5.3** There are no direct employment implications associated with this Report.

Legal (Including Equalities)

- 5.4** 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 of 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.
- 5.5** Seel Park is already subject to restrictions and covenants that were put in place when the land was conveyed to Cardiff Rural District Council (of which this Council is a successor authority) and these will be passed on to Dinas Powys Community Council as part of the transaction.
- 5.6** Furthermore, although Seel Park will continue to be maintained as an open space by Dinas Powys Community Council, the fact it will be leased to the Community Council means it is a disposal of land consisting or forming part of an open space for the purposes of section 123 of the Local Government Act 1972 and therefore, the Council must give public notice of its intention to dispose of the land pursuant to section 123(2A) of the 1972 Act. The Council must further consider any objections made to the disposal.

6. Background Papers

None.



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Issues

Seel Park

Path

Play Area

Appendix A

1:1,750

EASTERN

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VALE of GLAMORGAN



POWYS PLACE

ST DAVID AVENUE

JESTYN CLOSE

POWYS DRIVE

POWYS CLOSE