



WEST OXFORDSHIRE
DISTRICT COUNCIL

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| Name and date of Committee | EXECUTIVE – 21 JUNE 2023 |
| Subject | TRANSFER OF PLAYING AREAS TO WITNEY TOWN COUNCIL |
| Wards affected | All Witney Wards |
| Accountable member | Cllr Joy Aitman, Executive Member - Stronger Healthy Communities Email: joy.aitman@westoxon.gov.uk Cllr Dan Levy, Executive Member - Finance Email: dan.levy@westoxon.gov.uk |
| Accountable officer | Andrew Turner, Business Manager Assets & Council Priorities Email: andrew.turner@publicagroup.uk |
| Report author | Barry Bodin-Jones; Senior Project Manager Email: barry.bodin-jones@publicagroup.uk Suzanne Barton; Senior Estates Officer Email: suzanne.barton@publicagroup.uk |
| Summary/Purpose | There are a number of Playing Areas which are in the ownership of WODC. For a number of years WODC have been working on progressing with the transfer of ownership to Witney Town Council. This paper outlines the proposals to transfer the Playing Areas from WODC to Witney Town Council and seeks Executive to Approve / Agree to these the recommendations. |
| Annexes | Annex A – Cedar Drive Play Area Annex B – Waterford Lane, Madley Park Annex C - Raleigh Crescent Play Area |

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| Recommendation(s) | <p>That the Executive resolves to:</p> <p><i>a) Approve / Agree to the proposals outlined in the paper to transfer the Playing Areas from WODC to Witney Town Council.</i></p> <p><i>b) Delegate authority to the Deputy Chief Executive, Section 151 Officer WODC, in consultation with the Executive member Finance and the Executive member Stronger Healthy Communities to agree the final Heads of Terms for each transfer.</i></p> |
| Corporate priorities | <ul style="list-style-type: none"> ● Putting Residents First ● Working Together for West Oxfordshire |
| Key Decision | <p>NO</p> <ul style="list-style-type: none"> ● Cedar Drive Play Area - Deminimus value due to restrictive covenants on title ● Waterford Lane, Madley Park - Deminimus value due to restrictive covenants on title ● Ralegh Crescent Play Area - Deminimus value due to restrictive covenants on title |
| Exempt | NO |
| Consultees/ Consultation | <p>Consultation has taken place with Witney Town Council and they are happy with the proposed approach.</p> <p>Internal consultation has taken place with Assistant Directors for Commercial Development and Property & Regeneration as well as Property Maintenance, Ubico and Strategic Project Lead in the Leisure Team.</p> <p>Ward Members will be consulted at the point at which the Playing Areas are transferred to the Town Council. The transfer poses no negative or damaging effects to the residents of Witney.</p> |

I. BACKGROUND

- 1.1 There are a number of Playing Areas which are in the ownership of WODC. For a number of years WODC have been working on progressing with the transfer of ownership to Witney Town Council. In turn, this means that WODC will no longer be responsible for the maintenance and upkeep of these facilities and there will be no negative impact on the residents of Witney as the provision of these play areas will fall under the remit of their Town Council.
- 1.2 In some instances the Playing Areas have fallen into a state of disrepair and the proposal is that allocated S106 monies are utilised to ensure that the Playing Areas and associated equipment are updated and are in line with the required safety standards and regulations.
- 1.3 The Previous WODC Cabinet Members approved the transfer of Unterhaching Park from WODC to Witney Town Council ownership and this paper outlines the intended next stage of the Playing Areas transfer proposals.

2. MAIN POINTS

Details below have been outlined in relation to the Playing Areas in question:

2.1 Cedar Drive Play Area

The Play Area forms part of the Playing Fields on land adjoining Madley Brook and Springfield Integrated Primary School, Woodstock Road Park, Witney. For clarity, this is just the Play Area as indicated on the highlighted aspect of the drawing as outlined in red in Annex A.

The intention is to lease the Play Area for a period of 25 years or until 21st December 2029 as per various covenants on site. Following the long term lease period it is proposed that a land transfer will take place. Draft Heads of Terms (HoT) are to be agreed with Witney Town Council. For the Play Area in question, as this is a lease, we already have delegated authority to the Interim Head of Legal Services to sign this long term lease without Executive input.

2.2 Waterford Lane, Madley Park

The Play Area forms part of the land Waterford Road, Madley Park, Witney. This is indicated by a pin point on the map in Annex B.

The intention is that WODC will use S106 funding to bring the play area up to a good standard of repair. It is requested that approval is gained from the Executive to seek delegated authority so that these aspects can be finalised accordingly and correct monies allocated to undertake the repairs.

Draft Heads of Terms (HoT) are to be agreed with Witney Town Council, which will lead to finalising agreements in order to transfer the Freehold to Witney Town Council.

2.3 Raleigh Crescent Play Area

The Play Area forms part of the land at Raleigh Crescent, Witney as indicated on the map in Annex C.

The proposal is that WODC will transfer to Witney Town Council with commitment for the development of a Multi Use Game Area (MUGA) using S106 Funding in relation to Windrush Place. It is proposed to pursue the transfer of the play area prior to the playing field should the MUGA take further time to plan and develop. This would ensure the play area is transferred and managed by Witney Town Council at the earliest opportunity.

It is requested that approval is gained from the Executive to seek delegated authority so that these aspects can be finalised accordingly and correct monies allocated to undertake the future development.

Draft Heads of Terms (HoT) are to be agreed with Witney Town Council, which will lead to finalising agreements in order to transfer the Freehold to Witney Town Council. The Draft HoT, will seek agreement from S151 Officer WODC for Maintenance Contribution Costs. The HoT will also include £75k for works already undertaken by Witney Town Council for recent upgrades to the Play Area.

It is intended that the MUGA work is to be Project Managed by Project Officer at Witney Town Council with input and guidance from Rachel Biles (Strategic Project Lead, WODC Leisure Team) and Oxfordshire Playing Fields Association.

3. ALTERNATIVE OPTIONS

- 3.1 The alternative option is that the Playing Areas remain under the ownership of WODC, resulting in ongoing repair, maintenance and development of these facilities for the wider community of Witney.
- 3.2 This would have budget implications in terms of annual ongoing operational costs.

4. CONCLUSIONS

- 4.1 The paper proposes a reduction in future costs for WODC. It is preferable to all parties that the Play Areas in question come under local management arrangements.
- 4.2 It is recommended therefore that the Executive approve / agree to the proposals outlined in the paper to transfer the Playing Areas from WODC to Witney Town Council.
- 4.3 It is requested that delegated authority is given to Elizabeth Griffiths, Section 151 Officer WODC, in consultation with Dan Levy Executive member Finance and Joy Aitman Executive member Stronger Healthy Communities to agree the final Heads of Terms for each transfer.

5. FINANCIAL IMPLICATIONS

- 5.1 The key financial implications are related to relevant use of S106 fundings for improvements to the Play Areas as indicated in the paper prior to the transfer to Witney Town Council.
- 5.2 There is a £75k payment which is associated with Raleigh Crescent Play Area for completed associated works that WODC will need to include as part of the transfer to Witney Town Council.
- 5.3 The Net Book Value of the Play Area at each location will be taken into account.
- 5.4 Significant ongoing cost reduction will be gained as a result of the transfer of these Play Areas to Witney Town Council in terms of maintenance and repairs.

6. LEGAL IMPLICATIONS

- 6.1 The Legal Team will work with Property Services in terms of drafting the appropriate leases or transfer documents. The sites will be restricted for play areas only and not for any other use.
- 6.2 The Council has the power within the Local Government Act 1972: General Disposal Consent (England) 2003, which considers the sale of land for less than best consideration to dispose of any asset at less than best consideration, without the requirement for approval from the Secretary of State, at up to £2 million below open market value if it can justify the undervalue by the virtue of other benefits either social, environmental or economic.

This proposed transfer is justified in two ways:

- (i) (a) the benefit of local management and other benefits as detailed in the report;
- (ii) (b) the fact that the use of the land is restricted and therefore the value is restricted. Any removal of this restriction in the future would require payment of a premium to the Council

The play areas within this report do contain restrictions on registered title and therefore may need to be advertised under s123 of the Local Government Act 1972.

7. RISK ASSESSMENT

- 7.1 There are no major or significant risks to any of the proposals indicated within this paper.
- 7.2 The transfer of Play Areas from WODC to Witney Town Council will not pose any negative impact to the residents of Witney.
- 7.3 The principal decisions requested in this paper will help in future ongoing cost reduction for WODC.

8. EQUALITIES IMPACT

- 8.1 The recommendations pose no negative inequalities impact.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 None.

10. BACKGROUND PAPERS

10.1 None.

(END)