

Report No.5

Report to Policy and Resources Committee 4th April 2017

Transfer of Play Areas

1. Purpose of the report

- 1.1 To consider the request of the Town Hall and Facilities Committee for play areas to be transferred from Wiltshire Council to Malmesbury Town Council.

2. Background

- 2.1 Wiltshire Council is currently responsible for two play areas within the boundary of the Malmesbury Town Council and situated at Filands and in Newton Grove.
- 2.2 The Town Hall and Facilities Committee have requested that these areas be transferred into the ownership of the Town Council to enable local management and maintenance.
- 2.3 There is currently a sum of section 106 money with Wiltshire Council allocated for the improvement of the Filands play area but this will not be released unless the Town Council agrees to take responsibility for all Wiltshire Council play areas within the Town Council boundary.

3. Proposal

- 3.1 An enquiry for asset transfer to Wiltshire Council revealed that a moratorium has been placed on all new Community Asset Transfers.
- 3.2 However, Wiltshire Council is prepared to offer a seven year all repairing lease if both areas are included.
- 3.3 The terms of the lease are such that it would be a full repairing and insuring lease and the use of the land restricted to that of the present community/play areas.
- 3.4 Wiltshire Council require that the Town Council meets its own costs in surveying, preparation and negotiations in the preparation of the lease and to cover the cost of the necessary advertisements for land disposal.
- 3.5 Confirmation is being sought concerning the level of outstanding section 106 funds and the date by which these funds are to be committed and spent. It is also understood that there may be a sum available for maintenance and confirmation is awaited from Wiltshire Council.

4. Financial implications and risks

- 4.1 Any additional play areas will require regular insurance, inspection, improvement, maintenance and repair and place an additional financial responsibility on the Town Council.
- 4.2 It is anticipated that the current resources are sufficient to undertake the necessary in-house inspections and any additional grounds maintenance would be added to the existing contract.
- 4.3 If the play areas remain within the control of Wiltshire Council it is unlikely that any improvements will be made as the council is seeking to divest itself of responsibility of this type of facility.
- 4.4 In the case of Filands this is a rapidly developing area of housing and the existing poor quality play equipment is the only facility within the immediate area.

5. Recommendations

- 5.1 Members are requested to consider the desirability of entering into a seven year lease in lieu of an asset transfer and, if accepted, authorise the Town Clerk to enter into negotiations with Wiltshire Council subject to the financial situation being clarified and agreed by this committee before any leases are prepared for signing.

Jeff Penfold
Town Clerk
28th March 2017