

Report of : Land and Property Services
Report to : Chief Asset Management and Regeneration Officer
Date: 6 October 2014
Subject: Playground at Sandringham Road Wetherby

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The site in question is leased by Leeds City Council from Wetherby Town Council (WTC). Wetherby Town Council has a desire to have the site dedicated as a Field in Trust (FIT) under the Queen Elizabeth II Playing Fields scheme.
2. This report seeks approval to enter into a Deed of Dedication, alongside Wetherby Town Council as required by The National Playing Fields Association operating as Fields In Trust for the site shown on the attached plan.
3. The Deed of Dedication will restrict the Council's right to deal with the site for the duration of the lease.

Recommendations

4. It is recommended that approval be given to enter into a Deed of Dedication with Fields In Trust (FIT) and Wetherby Town Council on the terms outlined in the report.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to enter into a Deed of Dedication with the National Playing Fields Association operating as FIT for the site at Sandringham Road.

2 Background information

- 2.1 The site is leased from Wetherby Town Council for a period of 15 years from 14 January 2009 for use as a playground. Wetherby Town Council wish to dedicate the site to FIT but need the consent of Leeds City Council prior to doing so. As lessee LCC will have to be party to the Deed of Dedication.
- 2.2 The site extends to 1387m². On commencement of the lease with WTC the site was scrub grassland. A new play area was installed by LCC in 2009. Due to costs incurred in the works the lease was granted at a peppercorn rent.
- 2.3 FIT were founded in 1925 as the National Playing Fields Association by King George V. Their objective then, which still remains today is: to ensure that everyone – young or old, able or disabled and wherever they live – should have access to free, local outdoor space, for sport, play and recreation. It does this by permanently safeguarding outdoor recreational spaces in perpetuity via a Deed of Dedication, a legal instrument approved by the Charity Commission. This allows FIT to act as a guarantor between any landowner and any future development.
- 2.4 The FIT organisation has launched an initiative aimed at safeguarding more outdoor recreational spaces in perpetuity for future generations to mark the Queens diamond jubilee.
- 2.5 The rationale put forward by FIT to support this scheme are:-
- the number of sports pitches are declining;
 - access to outdoor space is vital for communities and plays an important role in providing a place for both physical activity and relaxation;
 - the QE2 scheme represents a cost effective way for the Council to simultaneously mark the Queen's diamond jubilee and the 2012 Olympics;
 - the challenge will secure a platform for the Council to achieve core strategy objectives around increasing physical activity and promoting the sustainability agenda;
 - the scheme will make a recognisable commitment to local people to safeguard recreational land, and protect public access to outdoor space;
 - the challenge will raise awareness concerning the importance of outdoor facilities in the context of life, health, the environment, and amenity.
- 2.6 Seven sites owned by Leeds City Council have already been dedicated under this scheme.

3 Main issues

- 3.1 This is a further opportunity for Leeds City Council to participate in the scheme and provide a lasting legacy of the Queen's jubilee, Olympics and Paralympics. In addition, national sponsors of this initiative, including ASDA and LV= have highlighted their intention to work with the council to improve sites in Leeds for recreational use.
- 3.2 Once the Deeds of Dedication are completed, QEII field sites will be subject to the following restrictions:-
- To dedicate the property as public playing field and recreation ground for the benefit of the inhabitants of Leeds;

- Not to use the Property or permit the Property to be used for any purpose other than as a public playing field and recreation ground;
- Not (in so far as it has the power to do so) to dispose of the Property without the consent of FIT, unless it;
- Replaces or agrees to replace the Property with a piece of freehold land approved by FIT which is of equivalent or better quality than the Property, with equivalent or better facilities than the Property, of the same or greater dimensions than the Property, in the same catchment area as the Property, and as accessible to the public as the Property (the *Replacement Site*) and applies such of the proceeds of any sale of the Property as are necessary to do so; and
- Enters into another deed of dedication on the same terms as this Deed in respect of the Replacement Site.
- Disposal would include the granting of leases, easements and sales.
- It will not (in so far as it has the power to do so) erect any building or structure on the Property the use of which falls outside of the permitted use as stated in Clause 3.1 without the consent of FIT;
- To inform FIT without delay of any proposals, intentions or decisions to dispose of or erect any structures on the Property;
- To maintain the Property and so far as is consistent with its duties as a local authority to have regard to any advice given from time to time by FIT on the management and running of the Property;
- To erect notices on the Property in the form of signage provided by FIT relating to the background of FIT and the Queen Elizabeth II Fields and giving recognition of financial support where required;
- To apply within three months of the date of the Deed for the registration in the proprietorship register of the Property at the Land Registry of a restriction to the following effect.
- Wetherby Town Council will be responsible for the costs involved in registering the sites.

3.3 Although the site will have the above restrictions it will still be able to be used for its existing use. The site will continue to be managed and maintained by Parks and Countryside.

3.4 The restrictions regarding disposal or replacement would apply only to Wetherby Town Council. It would be merely the use that affects the council.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Elected members have shown their support for the proposal and are pressing for the matter to be completed as soon as possible.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no issues for equality and diversity or cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 Leeds Vision 2030 has set an aspiration for the city to become the best city for communities; to live and for health and well-being. The QEII scheme offers the opportunity for the Council to provide and maintain access to green space for local people, where they can become more involved in their community.

4.4 Resources and Value for Money

4.4.1 The scheme will make a recognisable commitment to local people to safeguard recreational land and protect public access to outdoor space.

4.4.2 The Queen Elizabeth II Fields Trust scheme represents a cost effective way for the Council to simultaneously mark the Queen's diamond jubilee, the 2012 Olympics and Paralympics, along with the forthcoming 2014 Commonwealth Games.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

4.5.2 The Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.6 Risk Management

4.6.1 Due to the nature of the proposed site and its current use, risks associated with this proposal are deemed to be minimal.

5 Conclusions

5.1 **Option 1 – to agree to the terms of the Deed of Dedication.** This option will enable Leeds City Council and Wetherby Town Council to participate in the FIT Scheme.

5.2 **Option 2 – to reject the Deed of Dedication.** This option will preclude Leeds City Council and Wetherby Town Council from further taking part in the FIT Scheme.

6 Recommendations

6.1 It is recommended that approval be given to enter into a Deed of Dedication with Fields In Trust (FIT) and Wetherby Town Council on the terms outlined in the report.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.