

<b>Subject:</b>	QEII Challenge – Field in Trust	<b>Status:</b>	For Publication
<b>Report to:</b>	Full Council	<b>Date:</b>	26 September 2012
<b>Report of:</b>	Helen Lockwood	<b>Portfolio Holder:</b>	Communities and Partnerships
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	To approve the suggestion of the response group for Victoria Park (designated area) to be put forward for nomination by the public on the Fields of Trust website:

## 2. PURPOSE OF REPORT

- 2.1 To inform members of the QEII fields challenge and the views of the Member Response Group in relation to sites to be considered.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** - creating a better environment for all.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 There are no specific risk issues for members to consider arising from this report.

## 5. BACKGROUND AND INFORMATION

- 5.1 The QE11 fields challenge is a national initiative whereby local authorities can select one or more locations they would like to nominate. The sites are required to meet certain criteria and in going forward will then be put up for public 'vote' on the Fields in Trust website. The winning fields will be permanently protected as recreational spaces. If any location is awarded the QE11 status they could have access to funding.

- 5.2 As a Council we can nominate one or more sites (existing or new) for recreational use – it has to meet a certain criteria (as in 5.3) in that designating the land, maintenance remains at the local level. However, the Council would not be under any obligation to develop the land/space beyond its current state as long as health and safety and accessibility isn't an issue – the deeds just protect the space. Even though the deed provides that Field in Trust (FIT) may provide advice and aid, the responsibility for all management and maintenance of the site remains with the Council. FIT has no ongoing obligations in respect of maintenance and development of the site. The deed of dedication also places an obligation on the Council to maintain the land having regard to the guidance issued from time to time by the Charity

Commission to Local Authority Trustees.

The Council will need to satisfy itself as to the duties as a local authority as well as its duties to trustees of a charitable trust and any conflicts may need to be referred to the Charity Commission.

5.3 The main criteria for inclusion in the challenge are listed below:

- The site must be owned by the Council
- Evidence of title permitting site use for outdoor, sport, play and/or recreation must be produced
- Sites may be provided with facilities and equipment or used as general open space, and established for that purpose by way of planning permission
- Each site's principal use should be outdoor sport, play or recreation
- Satisfactory evidence that the use or proposed use is a lawful use in planning terms
- Generally the minimum size is 0.2 hectare (0.5 acre)
- Sites need to be accessible in terms of location
- Sites need to be affordable for the local community
- Sites should all be open to the public and either established charitably or held as Public Open Space
- Sites must be compliant with existing legislation relating to sport, play or open space
- All sites will need local managers, who will be responsible for the quality of the facilities, their maintenance and development, improving participation and use and financial and operational sustainability

5.4 The costs are as follows:

- a) Registering the Deed of Dedication at the Land Registry and complying with legal duties as set out in section 7
- b) Installing a plaque provided by FIT
- c) Any opening ceremony/celebration events

FIT will pay the legal costs of completing the deed of dedication. The Council would be asked to provide evidence of ownership; if the land is registered then we will be asked to provide up-to-date Office Copy Entries of the title of the land, including the title plan, as held at the Land Registry.

5.5 Suggestions put to the response group for discussion were:

Victoria Park, Haslingden (designated area)  
Bowling Green (behind Boars Head) Newchurch – does not meet the criteria because of size and that it is not owned by RBC.  
Rosemount Community Garden, Stacksteads  
Knott Hill playing field, Shawforth  
Bacup – land situated at Cutler Greens Housing Estate, Stacksteads  
Chatterton Recreation Ground  
Land situated at Lodge Meadows Housing Estate, Bacup  
The Rawtenstall Sports Centre, Marl Pits  
Moorlands Park, Bacup  
Whitworth – area of land at Rawstron Street

Two sites already benefit from long-term protection for recreational use through covenants:

Moorlands Park, Bacup  
Whitworth – area of land at Rawstron Street

Two of the site already have long term protection through registration with Fields in Trust and would be eligible for QEII selection.

Bacup – land situated at Lodge Meadows Housing Estate  
The Rawtenstall Sports Centre, Marl Pits

It is therefore possible to recognise any of these sites for the purposes of the Challenge as a QE11 field.

Two of the suggestions have restrictions (to be used for recreation) imposed during conveyance:

Chatterton Recreation Ground  
Victoria Park, Haslingden

- 5.6 The response group looked at the above criteria (5.3) and the Locality Manager produced a table of all the suggested locations, some of which did not meet the criteria (Bowling Green behind Boars Head, Newchurch because of size and that it is not owned by RBC; Bacup – land situated at Cutler Greens Housing Estate, Stacksteads because of its size).

The response group have suggested that Victoria Park is put forward for public vote through the QEII scheme; and depending on the success and cost analysis, further sites could be considered in due course.

All the selected sites were currently part of the maintained estate and therefore gaining QEII status will not impose a requirement for additional resources, as the scheme only requires current standards to be maintained. It does however mean that should further financial implications cause a review of open spaces maintenance that these sites should not be considered for a change of regime which would reduce the current overall standard. Other sites would need to absorb any reductions, however the number of sites nominated compared to the overall number of sites maintained means that the impact is likely to be very low.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **6. SECTION 151 OFFICER**

- 6.1 The potential costs have been identified and will be contained within existing budgets.

### **7. MONITORING OFFICER**

- 7.1 a) Entering into a Deed of Dedication as a 'Queen Elizabeth II Field' probably amounts to a disposal by the Council of property interests in accordance with s123 of the Local Government Act 1972 as it places restrictions on the Council's land for the benefit of others and affects the Council's ability to deal with the land freely in the future.
- b) The council need to obtain a land valuation which values the land on an open market basis.
- c) The Council is not receiving any consideration for entering into the Deed of Dedication and therefore the grant of this equates to a disposal at less than best consideration. As any undervalue does not exceed £2,000,000.00 (two million pounds), if Council authorises the dedication, Secretary of State for Communities and Local Government consent will not be required as the dedication would be permitted by the Local Government Act 1972: General

Disposal Consent 2003.

d) if the land is public open space, the dedication will need to be advertised for two consecutive weeks under s123 of the Local Government Act 1972.

e) By completing the dedication the Council will agree to restrict the use of the land on the terms required by the dedication. The Council will maintain the relevant sites, so far as is consistent with its duties as a local authority, and it will have due regard to any advice given from time to time by the Fields In Trust on the management and running of the property.

f) The Council may not dispose of the property or erect any structures on the land without the formal consent of the Fields In Trust.

### **HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

8.1 No HR implications.

## **9. CONSULTATION**

Members Response Group.

Background Papers	
Document	Place of Inspection
Background Report for the response group	Committee and Members Services – Room 213, Futures Park, Bacup