

DECISION-MAKER:	CABINET
SUBJECT:	QUEEN ELIZABETH II FIELDS DESIGNATION FOR PORTSWOOD RECREATION GROUND
DATE OF DECISION:	21 AUGUST 2012
REPORT OF:	CABINET MEMBER FOR HOUSING AND LEISURE SERVICES
STATEMENT OF CONFIDENTIALITY:	
None	

BRIEF SUMMARY:

To celebrate the Queen’s Diamond Jubilee there is an opportunity to nominate parks to become a QEII Field in Trust. The benefits of the scheme include; a fantastic opportunity to be part of a high profile national campaign, a method of demonstrating commitment to outdoor recreational space both now and in the future, an excellent and cost effective way to mark the Diamond Jubilee and London 2012 Olympics, a platform to help achieve key targets around increasing physical activity and promoting the sustainability agenda and access to improvement funds restricted to Queen Elizabeth II Fields.

Portswood Recreation Ground has been nominated for this designation, and a Cabinet decision is required to authorize completion of the non-charitable deed of designation. The designation will create a binding and perpetual restriction on future disposals of the site and on the maintenance and use of the site. However, given that this park is already protected under the Core Strategy and National Planning Policy Framework, it is considered that the benefits for the Council and the Local Community would out weigh the restrictions within the deed

RECOMMENDATIONS:

- (i) To approve the entering of a non-charitable deed of designation with the National Playing Fields Association in relation to the Portswood Recreation Ground;
- (ii) To delegate authority to the Director of Environment and Economy in consultation with the Head of Legal, HR and Democratic Services to negotiate the terms of and finalise the non-charitable deed of designation, and undertake such actions necessary to give effect to this decision and the proposals contained within this report.

REASONS FOR REPORT RECOMMENDATIONS:

1. In order to proceed with the Fields of Trust designation, Southampton City Council must complete and sign the Non-Charitable Deed.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

- 2 Do Nothing – Portswood Recreation Ground is already nominated, however, we could not sign the Deed of Dedication. This would mean that we would not get our registration number and would not then be eligible for certain unique funding opportunities. The Friends of Portswood Rec are keen to see the park get QEII Field status and there could be loss of reputation to the Council if we do not deliver.

DETAIL (Including consultation carried out):

3. Fields in Trust is an independent UK wide charity dedicated to protecting and improving outdoor space for sport, play and recreation. Formed in 1925 as the National Playing Fields Association their aim is to ensure that everyone - young or old, able or disabled and whether they live in an urban or rural area – has access to free, local facilities for healthy outdoor activities. They believe outdoor spaces have a vital role to play in creating healthy communities helping not only to increase physical activity but also to foster social cohesion and improve the local environment
4. Along with a number of partners they have set up a Government backed scheme called QEII Fields in Trust, which aims to protect certain open spaces across the country. Local Authorities can select one or more open space that they would like to designate as a Queen Elizabeth II Field.
5. The benefits of designating a field in trust include:
 - Fantastic opportunity to be part of a high profile national campaign;
 - Method of demonstrating commitment to outdoor recreational space both now and in the future;
 - Excellent and cost effective way to mark the Diamond Jubilee and London 2012 Olympics;
 - Platform to help achieve key targets around increasing physical activity and promoting the sustainability agenda;
 - Access to improvement funds restricted to designated Queen Elizabeth II Fields, in particular Sita, Asda and Sport England are offering grants unique to this type of designation.
6. Fields in Trust (FIT) has developed a range of options for long-term protection. Flexibility allows for measures to be put in place which are:
 - Non-charitable;
 - Specific to safeguarding the actual or foreseeable type of sport, play or recreational or usage involved including indoor facilities where appropriate.
7. The non-charitable deed (appended) sets out a number of restrictions and these include:
 - Not to use the Property or permit the Property to be used for any purpose other than as a park, public playing field and recreation ground, including use by schools and the local community for sports and recreation purposes;
 - Not (in so far as SCC has the power to do so) to dispose of the Property without the consent of FIT unless:
 - SCC 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;
 - SCC 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 the permitted use as stated above without the consent of Fields in Trust. Consent will not be required in relation to temporary structures erected for the purpose of community or civic events (e.g. temporary seating or refreshment facilities for concerts etc) or for buildings or structures which are ancillary to and enhance the amenity of the playing field or recreation ground (such as changing facilities, public conveniences, play equipment etc);
 - 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 a notice on the Property in the form of a signage provided by FIT relating to the background of FIT and the Queen Elizabeth II Fields and giving recognition of financial support where required.
8. The above restrictions are in perpetuity and future events or facilities etc may well be restricted if they do not fall wholly within the deed of dedication user clause.
9. Portswood Recreation Ground fits into the main criteria for inclusion in the Challenge, which are listed below:
- The site must be owned by the organisation putting the field forward to become a Queen Elizabeth II Field;
 - 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 requirements;
 - 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, held by a sports club under the Community Amateur Sports Club Scheme (CASC) regime or held as Public 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;
 - Sites must be compliant with existing legislation relating to sport, play or open space;
10. Portswood Recreation Ground has therefore been registered into this scheme; however, there is still the matter of signing the Deed of Dedication. This does not fall under any Officer delegation and therefore will need a Cabinet decision.

RESOURCE IMPLICATIONS:

Capital/Revenue:

11. Making Portswood Recreation Ground into a QEII Field could bring additional funds into the park for improving the area. The application itself is free.
12. The designation would not have any significant implications for resourcing the site. The levels of maintenance can remain the same and there is nothing in the deed which would place any additional burden on the Council for increased resources.

Property/Other:

13. The Deed of Designation will effectively create a binding and perpetual restriction on future disposals of the site and on the maintenance and use of the site. However, given that this park is already protected under the Core Strategy and the National Planning Policy Framework, it is considered that the benefits of the Deed outweigh the restrictions.

LEGAL IMPLICATIONS:

Statutory power to undertake proposals in the report:

14. Matters referred to in this report are permitted by virtue of section 1 of the Localism Act 2011 (the General Power of Competence), which permits a Council to do anything an individual may do subject to any pre and post commencement restrictions.

Other Legal Implications:

15. The Council owns the freehold in the whole of the Portswood Recreation Ground, which is already subject to restrictions requiring it to be used as a public recreation ground or playing field. To enable the designation to take place, the Council will be required to enter into a Deed of Dedication with the 'The National Playing Fields Association' known as 'Fields in Trust' more or less in the form of the draft contained in Appendix 1. By virtue of the Deed, the Council will give undertakings to protect the future use and maintenance of the land as public playing fields. The Deed of Dedication will need to have adequate regard to the neighbouring school's use of the land for curriculum purposes and protect this ongoing use in order to comply with Education Law. Further amendments to the Deed should be negotiated with Fields in Trust in consultation with the Head of Legal, HR and Democratic Services to ensure the template agreement reflects the best interests and needs of the Council and local community.
16. With regards to the Equalities Act 2010, should authority be given to proceed with the non-charitable Deed of Designation, then any resulting funds made available will, in the first instance, be put towards a disabled ramp to improve equality of access into this park. On consultation the Friends Group consider this the most important of the proposed improvements for this park.
17. With regards to section 17 of the Crime & Disorder Act 1998, the FIT designation has the potential to instil further civic pride in this local park and increase its use. This has been shown to reduce crime and disorder and in particular anti-social behaviour.

18. With regards to Education Law the Council needs to demonstrate that the current use of the park by Portswood Primary is reflected in the non-charitable deed. Currently the School do use the park for sports activities and after school clubs. This will continue into the future and will not be impacted on by the introduction of the Deed of Designation. The user clause in the Deed of Designation has been changed accordingly to ensure that the schools use is recognised.

POLICY FRAMEWORK IMPLICATIONS:

19. There are no significant impacts to policy, Portswood Recreation Ground is already a protected open space through the Core Strategy and would continue to be so. Southampton’s current policy would be to not build on this type of space, if this were to change in the future then there would be an impact as Fields in Trust would have to be consulted on any proposed change of use.
20. Protecting local parks such as Portswood Recreation Ground is in line with the current adopted Core Strategy and the Green Space Strategy.

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KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Portswood
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members’ Rooms and can be accessed on-line

Appendices:

1.	Appendix 1 – Non Charitable Deed of Dedication (Local Authority Protection)
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Documents In Members’ Rooms:

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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