

RECORD OF EXECUTIVE DECISION

Monday, 15 March 2010

Decision No: (CAB 09/10 2921)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Children's Services and Learning
SUBJECT:	Application to Place Play Equipment on Common Land at Freemantle Common and Peartree Green
AUTHOR:	John Bridge

THE DECISION

- (i) To delegate authority to the Executive Director of Children's Services and Learning following consultation with the Solicitor to the Council, to make an application under section 38 of the Commons Act 2006, for the installation of play equipment on Freemantle Common and Peartree Green.
- (ii) Subject to the successful application, to approve the installation of equipment on Freemantle Common and Peartree Green.
- (iii) To delegate authority to the Solicitor to the Council to take any action necessary to give effect to, ancillary to or likely to facilitate the recommendations set out in this report, including participation in any application, appeal or enquiry process required.

REASONS FOR THE DECISION

1. Approval was given at Cabinet in June 2008 to accept the Department for Children, Schools and Families (DCSF) offer for the Council to be a Play Builder authority and to delegate authority to the Executive Director of Children's Services and Learning, following consultation with the Cabinet Member for Children's Services, Play Partnership, local school Councils and the Youth Parliament to make all necessary decisions on / take all necessary action to deliver specific projects within the Play Builder programme.
2. This involves the development of 23 play areas within the city over three years. The Play Builder funding is matched where applicable with Section 106 funds. The third year of the Playbuilder programme involves the development of nine play areas including Freemantle Common. Peartree Green is being developed using Section 106 monies.
3. In order to place new or enhanced play equipment on Freemantle Common and Peartree Green permission has to be obtained from the Secretary of State to carry out restrictive works on registered common land under section 38 of the Commons Act 2006. Application is not required for new equipment provided on a strictly like for like basis and occupying an identical footprint to

any existing equipment and which does not require new or additional surfacing of any kind beneath the equipment (including new or increased / enhanced footings).

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Do not make the application under section 38. The Council would not be complying with the Commons Act 2006 legislation. This would leave the Council open to challenge from the public and could result in a public hearing/ enquiry and the order of restitution of the land.
2. Do not construct the play facilities on either site depriving local children and young people of the opportunity to participate in play activities.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 15th March 2010

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed <i>(if applicable)</i>
Call-in heard by <i>(if applicable)</i>
Results of Call-in <i>(if applicable)</i>