

SUBJECT: ST ANDREWS CLOSE

DIRECTORATE: COMMUNITIES & ENVIRONMENT

REPORT AUTHOR: CAROLINE BIRD, COMMUNITY SERVICES MANAGER

1. Purpose of Report

- 1.1 To inform Executive of the Sincil Community Land Trust (CLT) proposal to lease an area of land located off St Andrews Close, in Sincil Bank and request approval to proceed with preparing a lease, subject to all the terms outlined in this report being met, for the use of site as a community social space.

2. Executive Summary

- 2.1 Officers have been approached by the Sincil CLT who wish to lease an area of land at the western end of the southern boundary of St Andrews Close (see Appendix 1 for site plan). This land was previously a play area but for a number of years has been an inaccessible site, with the play equipment removed and is maintained as part of the Council's contract with Continental Landscapes.
- 2.2 Sincil CLT, working with the Sincil Bank Community Partnership, have received a grant of £25,500 from the Ministry for Communities, Housing and Local Government (MCHLG) to develop this site into a Pocket Park for use by the local community.
- 2.3 The recommendation is that the request to lease land adjacent to St Andrews Close be approved, subject to some specific terms outlines in sections 4 and 5 of this report.

3. Background

- 3.1 Sincil CLT have approached the CoLC to request a lease for a small area of land adjacent to St Andrews Close for a 25 year term to use the land as a pocket park to provide a social space to assist in strengthening the community in the area.
- 3.2 The site is located between Playzone and the Children's Centre, which is adjacent to the Bishop King Primary School. It is enclosed by metal fencing and is approximately 570sqm. The site is largely grassed and includes a bench and a cluster of self-set trees. There is no public access at present as the gate remains locked at all times. Photographs of the site have been provided in appendix 2.
- 3.3 The Central Lincolnshire Local Plan identifies the site as an area of important Open Space and as such is safeguarded from development (ref LP 23: Local Green Space and other Important Open Space).

- 3.4 The site was fenced off when the play area was built, but the play area was subsequently closed and the gate locked in response to problems of anti-social behaviour and complaints from local residents. The play equipment was finally removed due to dilapidation.
- 3.5 In 2011 a Sincil Bank Placecheck study showed this site was identified by local people as an area they would like to see improved and brought back into use. The site is not currently in use or accessible to the public, although it is visible to passers-by and nearby residence.
- 3.6 Transforming open spaces has been identified as a priority in year two of the Neighbourhood Teams priorities, alongside supporting the development of the Sincil CLT.
- 3.7 The Sincil Community Land Trust was formed in June 2018 and in March 2019 was registered by the Financial Conduct Authority under Co-operative and Community Benefit Societies Act 2014 as a Community Benefit Society. Registration number: 8080. Sincil CLT are therefore incorporated as a legal entity and are able to take a lease in their own name so as to be responsible under the lease terms including taking appropriate insurance and providing indemnities. The group is chaired by the Head of Governors at Bishop King Primary School and consists of local residents, City and County Councillors for Park Ward and a Community Organiser from Lincoln City Foundation. The group work closely with the CoLC Neighbourhood Team and provide regular updates to the Sincil Bank Community Partnership.
- 3.8 The Sincil CLT submitted an application to MCHLG Pocket Parks Programme to help develop St Andrews close as a pocket park and in March 2019 were awarded £25 500. On receipt of the funding the Sincil CLT organised a community consultation event to find out how local people would like the site to be regenerated in to a pocket park. See appendix 3 for a record of the comments made during the consultation event.
- 3.9 The aim of the Sincil CLT is to bring this site back into use as important open space that can assist with community cohesion. The Sincil CLT suggest that by leasing the land on behalf of the local community they would increase their chances of attracting further funding to regenerate the site. This is an important milestone in the Sincil Bank Regeneration Programme.

4. Sincil CLT proposal for the use of the site

- 4.1 The Sincil CLT carried out a community event on the 1st May 2019 to engage with local residents to determine what people would like to see and how they envisage using the space. This includes some of the following ideas:-
- A safe and secure space for younger children to play
 - A quiet, tranquil green space for people to sit.
 - An opportunity to enhance local biodiversity.
- 4.2 The community requested that the space includes:-
- Benches,
 - Pathway

- Different textures – grass, wood, paving slabs

- 4.3 If a lease can be secured the Sincil CLT are proposing to start with some small scale improvements identified in 4.2 during the first year of the lease. This would include reducing the density of the cluster of trees to create a natural play space and shade, enabling the remaining trees room to grow properly. This would respond to the communities desire for some seating areas and a clearing to allow room for community activities and play space. This initial programme of works will be funded using the Pocket Park grant of £25,500 and local volunteers.
- 4.4 With a 25 year lease in place the Sincil CLT will be able to continue with ongoing community consultation to identify a long term programme of improvement works to the site and access funding to achieve the communities ambitions for the site.

5. CoLC obligations to enable disposal of the site

- 5.1 The Council's Policy for Open Space and Tree Management states that the Council "will not sell or dispose of public open space except in exceptional circumstances where such a transaction would bring direct benefit to the immediate community adjacent to the area".
- 5.2 Section 123 (2A) Local Government Act 1972 states that a council may not dispose of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
- 5.3 The Sincil CLT have requested a lease for the site on a rent free basis. Given the location and characteristics of the land, the designated status as Important Open Space in the CL Local Plan which limits the use of the site to non-commercial purposes, officers consider it to have a fairly low market value, say a nominal £500 per annum, with a caveat that this will not be tested on the open market.
- 5.4 The Local Government Act: General Disposal Consent (England) 2003 gives general consent for disposal of a site at an undervalue in circumstances where the council considers that the purpose for which the site is to be disposed is likely to contribute to the achievement of any one or more of the promotion or improvement of economic, social or environmental well-being in its area.
- 5.5 The Council's Policy for Open Space and Tree Management states that the Council "will not sell or dispose of public open space except in exceptional circumstances where such a transaction would bring direct benefit to the immediate community adjacent to the area". Whilst this land is currently not designated as public open space, in view of the site currently being inaccessible to the public, in practical terms and in the spirit of the Policy it could be argued that leasing the land out would bring direct benefit to the local community bringing in to use as an open space accessible to the community, where currently it is not.

6. Lease arrangements

- 6.1 On the basis that the Council's Executive give approval for officers to proceed with preparing a lease the following will be actioned:-
- 6.1.1 An advert will be placed in the local newspaper in accordance with Section 123 (2A) of the Local Government Act outlined in 5.2. It is recommended that in the event of no objections being received officers are to be instructed to proceed with the lease or in the event of objections being received to report back to Executive for a future decision.
- 6.1.2 A management agreement setting out the heads of terms will be agreed between both parties to allow the Council more detailed control of matters outside of normal lease terms and flexibility for changing these matters from time to time without disturbing the main lease.
- 6.2 In accordance with the Local Government Act outlined in 5.3 Officers recommend that Executive give approval for the site to be offered to the Sincil CLT for a 'peppercorn' rent of £1 per annum on the basis that the proposed use is expected to contribute to the promotion of social and environmental well-being in the Sincil Bank area.
- 6.3 The Heads of Terms have been drafted and cover the following:
- The tenant will be responsible to keep the property in good repair, free from litter and to report issues of antisocial behaviour to the CoLC ASB team and police.
 - The tenant will be responsible for unlocking the gate to the park during daylight hours. The park will remain locked overnight.
 - The tenant will procure £10m of Public Liability Insurance.
 - Break clauses in the event that the site is not being maintained adequately or public access is designed.
 - Permitted use: The creation and management of public open space to be available to the whole community during daylight hours free of charge. To carry out improvement works and maintenance works to the land to a specification approved by CoLC.

7. Strategic Priorities

7.1 Let's deliver quality housing

This is the first project delivered by Sincil CLT, the group's longer term aims are to work with the CoLC to bring empty properties in Sincil Bank back into use.

7.2 Let's enhance our remarkable place

This is a key project in the provision of accessible open spaces within Sincil Bank.

8. Organisational Impacts

8.1 Finance (including whole life costs where applicable)

Current maintenance costs are minimal (the grass is cut down as and when required). The Council would not incur additional costs as a result of this proposal. It is suggested that the rent payable be a nominal “peppercorn” fee of £1 per annum.

8.2 Legal Implications including Procurement Rules

In accordance with the Council’s Policy for Open Space and Tree Management, the Council will not dispose of public land except in exceptional circumstances where such a transaction would bring direct benefit to the immediate community adjacent to the area.

Officers believe that the proposed transfer of the site would bring a direct benefit to the local community. The land would be in use as a public open space accessible to the community and will enable ongoing community engagement to determine how the space will be used.

The Heads of Terms would be vital in ensuring the removal of risk to the authority in terms of liabilities, insurance and indemnities; in ensuring the satisfactory management of the land whilst tenanted and the terms under which it would revert to the Council’s possession

8.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

An Equality and Diversity analysis has been partially completed based on community consultation carried out to date, see Appendix 4. As the Sincil CLT will be carrying out further consultation with the community to decide how the site will be used they will be expected as tenants to consider equality and diversity as part of any decision on the use of the grounds.

8.4 Land, Property and Accommodation

A positive response to Sincil CLT would mean that this area of open space would be brought back in to public use.

Planning permission would not be required for use of the land as a community space. Permission may be required if structures were later proposed, however it is not expected that this will be the case.

8.5 Significant Community Impact

This is a key project in the Revitalisation of Sincil Bank. Year 2 of the project focuses on the physical regeneration of the area, this will be one of the first projects to be delivered

9. Risk Implications

9.1 Key risks associated with the preferred approach

The Heads of Terms will be agreed along with the lease to remove the risk of additional costs to the Council in terms of staff time and finance. In the event of the Community space failing, the land would be returned to its current state at no cost to the Council and the land would revert to being inaccessible to the public

10. Recommendation

- 10.1 That the request to lease the land adjacent to St Andrews Close to Sincil CLT be considered and to approve officers to finalise the Heads of Terms, advertise the transfer of the site in the local paper and subject to no objection being received prepare a lease for the Sincil CLT for the community space.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 4

List of Background Papers: None

Lead Officer: Caroline Bird, Community Services Manager
Telephone (01522) 873 405