

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive Committee</b>
<b>Date:</b>	<b>January 25<sup>th</sup> 2016</b>
<b>Subject:</b>	<b>Llangefni Skate Park – Land Lease Agreement</b>
<b>Portfolio Holder(s):</b>	<b>Cllr. Ieuan Williams</b>
<b>Chief Executive:</b>	<b>Dr Gwynne Jones</b>
<b>Report Author:</b>	<b>Dylan J. Williams</b>
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<b>Local Members:</b>	<b>Cllr. Nicola Roberts</b> <b>Cllr. Bob Parry</b> <b>Cllr. Dylan Rees</b>  <b>Also of relevance to all Elected Members as the facility serves all the Island's residents and visitors.</b>

<b>A – Recommendation/s and reason/s</b>
<p>Following the removal of the previous Skate Park by the County Council (advice of the ROSPA) on land at Plas Arthur Leisure Centre, a commitment was made to the Llangefni Social Enterprise that its reinstatement would be supported by the County Council wherever capacity and resources would allow.</p> <p><b>Recommendation:</b></p> <p><b>That the Executive agrees to forgoe the requirement of open marketing and the need to obtain a market rent as per the Council's Asset Management Policy and Procedures and to offer the Llangefni Skate Park Group a 25 year lease at a nominal rent.</b></p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>a) The Executive in previous meetings has supported the objective of supporting the re-instatement of the facility;</li> <li>b) The Skate Park was removed following a safety inspection in June 2014 and the community has requested that the County Council assist in its reinstatement.</li> <li>c) The Llangefni Group does not have the necessary funding to purchase or lease the land at the market rate;</li> <li>d) To demonstrate the Council's commitment towards supporting the project by assisting where it is possible to do so;</li> <li>e) Will assist the Group in securing grant funding from sources which request leases to be on long-term agreements for security.</li> </ol>

Any agreement with the Llangefni Group will ensure that:

1. The lease will require the tenant to hold a valid Public Liability Insurance and will indemnify the Council against any claims throughout the period of the lease.
2. The lease will require Llangefni Town Council to act as guarantor in the event of a default or failure by the Llangefni Skate Park Group.
3. The tenant will be liable to clear the site at the end of term, removing any equipment and making good any damage.

The Executive Committee resolved that Officers investigate the availability of grant funding to enable reinstatement in January 2015. Since then, good progress has been made to advance matters.

Should the Executive Committee resolve to endorse the recommendation, it will result in the IACC potentially losing an income of £1,999 p/a in rent.

#### **B – What other options did you consider and why did you reject them?**

Three options were considered by Officers in the Economic & Community Regeneration and Property Services. These were:

1. Do nothing
2. Sell the land at a nominal fee to the Llangefni Group
3. Lease the land to the Llangefni Group for a nominal fee

The 'Do Nothing' options was dismissed as the County Council has previously agreed through the Executive Committee to assist the Llangefni Group to reinstate the Park. Following discussions with Officers in Property Services (Estates) the sale of the land was also dismissed as this would result in the County Council losing ownership of a valued strategic asset.

Whilst it is recognised that responding effectively to the Corporate Plan and overall financial challenges facing the County Council must take priority there is also a need to respond proactively to assisting community enterprises such as the Skate Park.

#### **C – Why is this decision for the Executive?**

This facility was a valued asset for community in Llangefni and had proven popular. The decision and process to remove the facility has had some negative repercussions on the County Council from members of the public.

The Executive is therefore required to undertake an informed decision which will provide Officers with clear guidance on the future reinstatement of the Llangefni Skate Park.

The recommendation within this report requires an agreement which goes against Council policy and is therefore a decision for the Executive. Should the Executive agree with the Recommendation of this report, Officers will undertake the required steps to progress an agreement with the Llangefni Group for the long-term lease of the land.

**CH – Is this decision consistent with policy approved by the full Council?**

The proposed way forward is consistent with the IACC’s Corporate Plan and Economic & Community Regeneration Service Delivery Plan (2014/ 2015).

However, the recommendation – to not secure market value – does go against policy which therefore requires Executive approval.

**D – Is this decision within the budget approved by the Council?**

The proposed way forward is consistent and aligned with the approved budget (and options to ensure future financial reduction requirements are met) of the Economic & Community Regeneration Service.

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	No comments
2	<b>Finance / Section 151</b> (mandatory)	Discussions have been on-going with the Section 151 Officer and support for the recommendation has been received. Portfolio Holder also supportive.
3	<b>Legal / Monitoring Officer</b> (mandatory)	No comments
4	<b>Human Resources (HR)</b>	n/a
5	<b>Property</b>	Property Services have been utilised in the process to ensure the relevance of the information contained herein and support the recommendation.
6	<b>Information Communication Technology (ICT)</b>	n/a
7	<b>Scrutiny</b>	Supportive of the recommendations and not required to be heard in front of the Corporate Scrutiny Committee
8	<b>Local Members</b>	No comments received following e-mail 1 <sup>st</sup> Dec 2015
9	<b>Any external bodies / other/s</b>	Following the decision, the Town Council and Social Enterprise will need to be consulted.

1	<b>Economic</b>	The Skate Park is an important asset to the community
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		of Llangefni. The Service recognises the need to assist in the reinstatement of this facility. The Portfolio Holder also supports the recommendation.
2	Anti-poverty	n/a
3	Crime and Disorder	n/a
4	Environmental	n/a
5	Equalities	Equality Impact Statement prepared.
6	Outcome Agreements	Not applicable.
7	Other	

**F - Appendices:**

- a) Map of land near Plas Arthur
- b) Llangefni Skate Park Land Lease Agreement – Exemption from Policy

**FF - Background papers (please contact the author of the Report for any further information):**

- a) Corporate Scrutiny Committee – 26<sup>th</sup> September 2014  
<http://democracy.anglesey.gov.uk/documents/g2691/Printed%20minutes%2026th-Sep-2014%2014.00%20Corporate%20Scrutiny%20Committee.pdf?T=1&LLL=0>
- b) Executive Meeting – 3<sup>rd</sup> November 2014  
<http://democracy.anglesey.gov.uk/documents/g2561/Printed%20minutes%2003rd-Nov-2014%2010.00%20The%20Executive.pdf?T=1&LLL=0>



## **Llangefni Skate Park Land Lease Agreement – Exemption from Policy**

**November 2015**

**Prepared by:**

**Dylan J. Williams**  
Head of Service  
Economic & Community Regeneration

## 1.0 Purpose

- 1.1 This report will outline the current situation, progress made and why an exemption to the County Council's Asset Policy is required to enable progression of the Llangefni Skate Park Project. It also builds upon previous requests by the Executive Committee to reinstate the Llangefni Skate Park (<http://democratiaeth.ynysmon.gov.uk/documents/g2561/Penderfyniadau%2003ydd-Tach-2014%2010.00%20Pwyllgor%20Gwaith.pdf?T=2&LLL=1> )
- 1.2 The Economic & Community Regeneration Service (E&CR) has been assisting the Llangefni Partnership on the various options to reinstate the Park.
- 1.2 The Park was removed following ROSPA (The Royal Society for the Prevention of Accidents) safety inspection in June 2014.

## 2.0 Context

- 2.1 The Llangefni skate park was established in 2003 by Communities First and Cwmni Tref Llangefni. Capital funding was secured, £50,000 from Communities First and £20,000 from Sportlot. Safety inspections and repairs were initially carried out by the County Councils Leisure Service. Many of these duties and responsibilities were taken on by the Town Council in recent years, but there was no formal agreement between the organisations.
- 2.2 The ROSPA safety inspection on the 11<sup>th</sup> June 2014 stated that *"the course posed an unacceptable and immediate risk and that the equipment may be beyond economic repair and the site should be closed pending removal"*. The skate park facility was removed, dismantled in late June of 2014.
- 2.3 The process of closing the Skate Park has since been considered by Corporate Scrutiny on the 26<sup>th</sup> September 2014 and the Executive Committee meeting on the 3<sup>rd</sup> November 2014 and in January 2015.
- 2.4 A significant amount of work has been completed between the County Council and the Llangefni Group in order to re-instate the Skate Park at the original site near Plas Arthur.

## 3.0 Current Situation

- 3.1 Under the umbrella of the Llangefni Partnership a separate working group has been established to progress the re-instatement of the Skate Park. Working to the governance structure of the Partnership, the Group is made up of Councillors, Partnership Directors and Members of the Public who have a vested interest. The County Council has provided support for the Group.
- 3.2 An in-depth questionnaire was organised by the E&CR to which nearly two hundred responses were received and this has provided a framework and baseline to advance the project. Well attended progress meetings have been taking place at regular occurrences to formalise preferred location; preferred materials; on-going maintenance considerations; and Project Leads.

3.3 As of November 2015 the Group have stated that their preferred location for any re-instatement is at the previous site, the County Council owned land near to Plas Arthur (see Annex A). The Group have also succeeded in their Stage 1 bid for a Big Lottery grant with a maximum of £350,000. This has prompted the need to progress matters from a land perspective.

#### **4.0 Ongoing Management**

4.1 The re-instatement of this facility and its future sustainability and success can be achieved if the County Council and prominent community groups/organisations continue to work together. Funding eligibility criteria, VAT implications and future management and sustainability determine that external organisations are more likely to succeed.

4.2 An agreement in principle has been agreed that an external organisation – be this this Town Council or Llangefni Partnership – will assume **full** responsibility for the Llangefni Skate Park. The County Council does not have the resources, capacity or inclination to undertake this role.

#### **5.0 E&CR Service Proposal to Meet Community's Requirements**

5.1 As outlined in 3.3 above, the preferred location for the re-instatement of the Llangefni Skate Park is on land owned by the County Council as per Annex A. This is the location of the previous park and being close to the Plas Arthur Leisure Centre provides users with Health & Safety assurances. The E&CR Service have confirmed that First Aid provision will be afforded by the Leisure Centre should the need ever arise.

5.2 Following internal discussions with Property Services they are of the opinion that the land has a market value of:

- To buy – £21,000
- To lease – £2,000 per annum

5.3 As the Llangefni Group is not in a financial position to meet those costs, the proposal is that a 25-year lease is given to the Group for a nominal sum of £1 per annum. This would mean an underestimation in the market value of £18,999.

5.4 Despite being in a difficult financial climate, the E&CR Service, Portfolio Holder, Property Services and Financial Services within the County Council are in agreement that this is the preferred option to ensure that the re-instatement of the Skate Park has the strongest opportunity to succeed and be an asset for Llangefni.

5.5 Whilst this proposal goes against the County Councils policy to secure market value for its assets, the "Asset Management Policy and Procedures" does make reference to the following points which supports this request:

- The Council will consider asset transfers to other organisations where it is clear that the basis for doing so would be for supporting the provision of local or strategic services.

- Benefits to local communities will be viewed in the context of how these may also assist the island as a whole.
  - Disposals at less than market value may be deemed appropriate where there is evidence of market failure or where asset transfer is likely to be the only mechanism for maintaining established services which are identified as being beneficial to the wider community and where no realistic alternative means of provision has been identified.
  - The Council will normally only consider asset transfer at less than market value to voluntary groups, charitable organisations or recognised social enterprise organisations and subject to State Aid requirements.
  - Asset transfer shall only take place to a properly constituted body for which the following factors are clearly established and acceptable to the Council: the purpose for which the site or building is to be used is clear and is identified as directly supporting local communities and/or providing local or strategic services for the people of the island.
- 5.6 Taking into consideration the history associated with the site, the E&CR Service is of the opinion that whilst the request does go against policy, there is mitigating reasons to support the proposal.

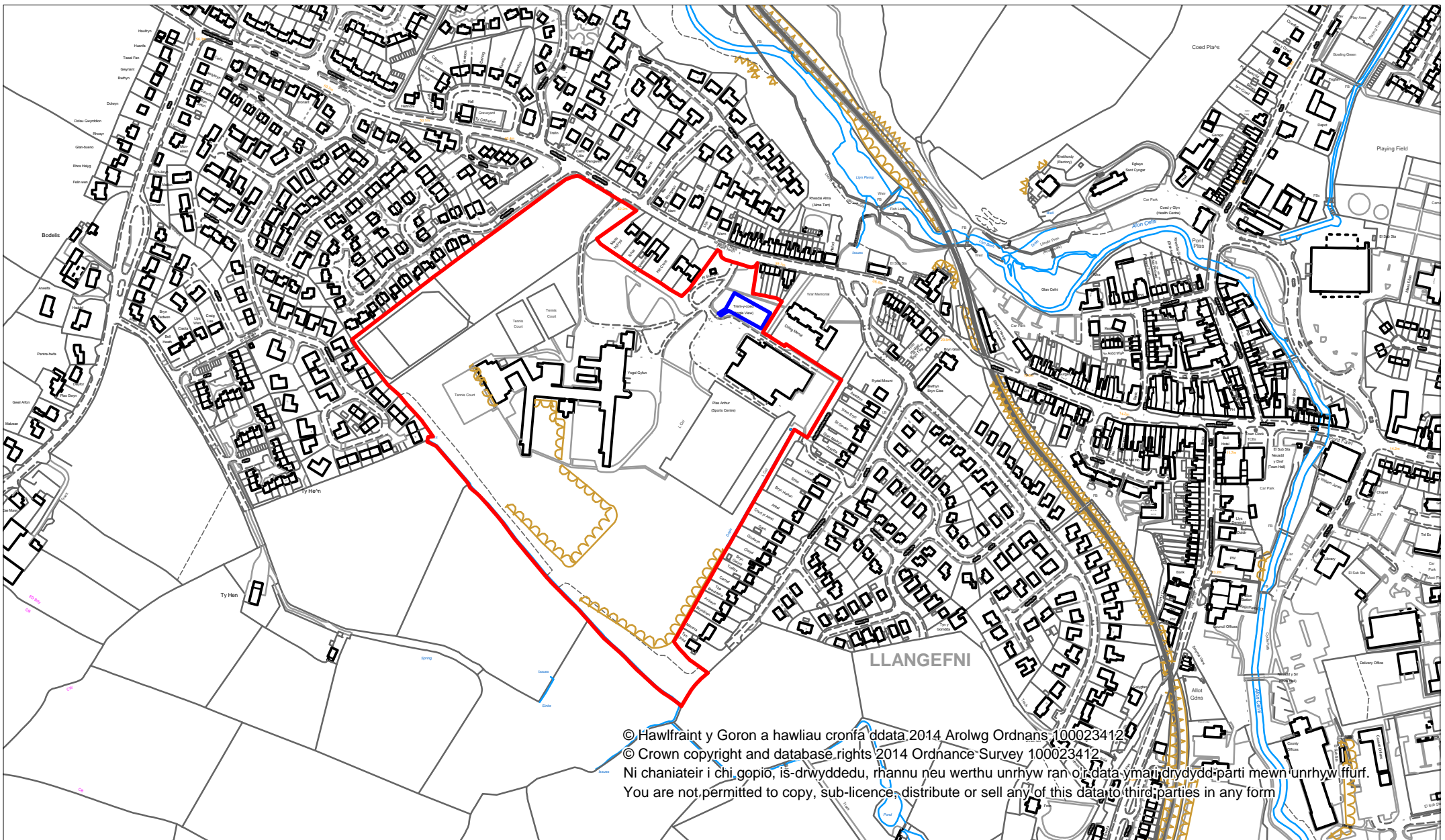
## **6.0 Conclusion**

- 6.1 A good amount of progress has been achieved since the Skate Park was removed in June 2014. A working Group has been established, a preferred location identified and success has been achieved with a Big Lottery Fund.
- 6.2 The Economic & Community Regeneration Service has made it clear that it does not have an allocated budget to contribute or the staff capacity to lead on a reinstatement project. An agreement in principle has been agreed that the County Council would not have any responsibility for the upkeep, maintenance or management of any new facility.
- 6.3 To support the Group's aspirations to re-instate the Skate Park, approval is required from the Executive to lease the County Council owned land near Plas Arthur for 25 years for a peppercorn sum of £1 per annum. This will provide assurances and security for future grant applications and demonstrates the County Councils support to the scheme.
- 6.4 The E&CR Service will continue – where capacity and resources allow – providing support to the Skate Park Group.

## **Recommendation**

**It is the E&CR Service's recommendation that the Executive approves the request to allow County Council owned land (as per Annex A) to be leased to the Llangefni Skate Park Group for 25 years at £1 per annum.**





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**Skate Park  
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