

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1. Meeting:</b>	<b>Cabinet</b>
<b>2. Date:</b>	<b>14<sup>th</sup> March 2012</b>
<b>3. Title:</b>	<b>Queen Elizabeth II Fields Challenge – Deed of Dedication for the Herringthorpe Leisure Site</b>
<b>4. Programme Area:</b>	<b>Environment and Development Services</b>

**5. Summary**

This report provides a summary of investigations undertaken into the potential benefits offered by the Queen Elizabeth II Fields Challenge, which was undertaken in order to determine whether or not it can support the Council's plan to improve sport and recreation facilities at the Herringthorpe Leisure Site.

**6. Recommendations**

1) That officers enter into negotiations with Fields in Trust with a view to establishing the Herringthorpe Leisure Site as a Queen Elizabeth II Fields Challenge site by means of a Deed of Dedication between the Council and Fields in Trust.

2) That a more detailed plan covering the area identified by the bright green line in Appendix A is drawn up as part of the legal process and used to define the site that would be covered by the Deed of Dedication.

## 7. Proposals and Details

This report follows a report to the Cabinet Member for Lifelong Learning and Culture on 6<sup>th</sup> December 2011 regarding a petition asking the Council to make an application to Fields in Trust in respect of Herringthorpe Playing Fields and the Queen Elizabeth II Fields Challenge. The petition reflects a depth of local feeling to protect the Playing Fields

At the meeting on 6<sup>th</sup> December it was agreed that Leisure and Green Space Officers would investigate the potential benefits offered by the Queen Elizabeth II Fields Challenge (QEIIFC) in order to determine whether or not it can support the Council's plan to improve sport and recreation facilities at the Herringthorpe Leisure Site.

Investigations included the following actions.

- Meeting with Fields in Trust (FiT) on 5<sup>th</sup> January 2012
- Contact with the SITA Trust on 12<sup>th</sup> January 2012
- Contact with Sport England on 12<sup>th</sup> January 2012

The findings of the investigation are summarised below.

**Deed of Dedication** – The QEIIFC uses a Deed of Dedication as a means of protecting playing fields and other recreational areas. Most of the local authorities that have expressed an interest in QEIIFC to date have opted to follow a non-charitable rather than charitable deed of dedication as this is less complicated.

**Restrictions** - Dedicating a site restricts what can be done with it in the future. FiT have confirmed that the clause which defines the restrictions can be negotiated with them in order to take account of any current and future sport and recreation provision (e.g. changing rooms, all weather surfaces, floodlighting, grandstands, play areas, MUGAs, skate parks, BMX facilities, etc). FiT has also confirmed that they would not object to facilities being protected by fencing where this is necessary for effective management and maintenance. Other facilities (i.e. office space, café, car parking, etc) are also considered to be acceptable where they support the operation and sustainability of the sport and recreation facilities.

Colleagues in Legal services have advised that there are no restrictive covenants in the Council's title on the playing fields which are protected by statute under the Public Open Space Act and the Rotherham Corporation Act 1928. They are also protected under an original Agreement between FiT and Rotherham Borough Council made in 1928 when the Council first acquired the fields for playing fields and recreation. It is Legal's view that this latter agreement is sufficient protection.

**Management** – The Deed of Dedication does not make any reference to the day to day management or maintenance of the site. This is something that is determined locally.

**Other uses** (i.e. fairground, overflow car parking for Rotherham Show, etc) could be added to a schedule in order to be considered permitted use.

## **Associated External Funding Opportunities**

- FiT Counties Fund – this is not targeted towards South Yorkshire at present and nothing is planned though funding may become available in the future.
- SITA Trust - the final submission deadline for the larger fund (up to £25,000) is 23<sup>rd</sup> July and will be determined in October 2012. The final deadline for the volunteer fund (up to £5,000) has a submission deadline of 19<sup>th</sup> October 2012 and will be determined at the December Board. In order to proceed, applications must display the Deed of Dedication number.
- Sport England – It isn't necessary for a green space to be designated as a QEIIFC in order to access this funding. There are three remaining funding rounds this year. The next will be in the spring with a two month submission deadline followed by a twelve week determining period. Local authorities can bid for up to £150,000 for pitch improvements but must identify 50% match funding. If funding is granted it does not prevent bids to other Sport England funds.
- ASDA - present funding is to enable FiT to manage the QEII Fields Challenge and therefore it is not something a Council can currently apply to for funding.

## **Summary**

### QEIIFC

- Will not restrict the Council's plans to improve sport and recreation facilities on the site as long as certain clauses are correctly worded.
- Will protect the site in perpetuity as a key open space leisure facility in the borough and give comfort to residents of the Council's wishes to protect and enhance it.
- Supports access to relatively small amounts of ring fenced external funding for site improvements but it is unlikely that the deadlines will match those of the Council's for the wider sport and recreation developments.
- Offers Publicity Opportunities – the Jubilee celebrations will raise the profile of the site locally and nationally. While there is no formal requirement to agree to hold a celebration event, it is encouraged.
- Will result in the site being limited in future to the defined activities that appear in the deed.
- Is likely to be well received by local residents who want to secure the future of the site.
- Adds a layer of (external) control
- Will incur legal and valuation costs estimated to be c£1000 to £1500

The Cabinet Member for Lifelong Learning and Culture, along with Local Ward Members, has expressed support for a QEIIFC application in respect of Herringthorpe Playing Fields. Local Ward Members have also expressed a desire to support the legal and valuation costs through the use of their community leadership funds.

It is therefore recommended that officers enter into negotiations with Fields in Trust with a view to establishing the Herringthorpe Leisure Site as a Queen Elizabeth II Fields Challenge site by means of a Deed of Dedication between the Council and Fields in Trust.

The bright green line marked on Appendix A provides an illustration of where a red line might be drawn in order to define the land that would be covered by the Deed of Dedication. A more detailed plan will need to be drawn up as part of the legal process.

## **8. Finance**

Colleagues in Finance and Land & Property Teams have advised that the restrictions would mean that the assets associated with Herringthorpe Playing Fields on the asset register would have little or no value and any potential future capital receipt would be greatly diminished.

To become a QEIIFC site, the Council will incur initial and perhaps further minor but ongoing costs. Legal and Land & Property Team establishment charges will be in the region of £1000 but may extend up to £1,500. There will also be minor costs associated with installing a plaque (provided by FiT). The Council may also incur charges for FiT's consideration of ongoing issues. The Green Spaces Service has no budget to cover any of these costs.

## **9. Risks and Uncertainties**

It will be important to ensure that definitions are clear and inclusive so that current and future sport and recreation activities and facilities are covered in any agreement. Care will need to be taken to specifically allow all the current uses, easements, rights, existing/pending leases, licences, & service use administered by the Council.

FIT is flexible on deadlines so long as an agreement can be completed this calendar year.

Advice will need to be sought from Legal and Land & Property Teams in respect of the inclusion of the land that is proposed for lease to Rotherham Rugby Club Limited.

## **10. Policy and Performance Agenda Implications**

N/A

## **11. Background Papers and Consultation**

Cabinet Report, Wednesday, 3rd September, 2008

Cabinet Report Wednesday, 20th January, 2010

Cabinet Member Report, Tuesday 6th December, 2011

Madeleine Johnson, Legal Services

Robert Harrison, Finance

Sharon Langton, Land and Property

### **Contact Name:**

Nick Barnes, Principal Project Development Officer, Streetpride, EDS, 01709  
822882, [nick.barnes@rotherham.gov.uk](mailto:nick.barnes@rotherham.gov.uk)