

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Council

**DATE:** 25th July 2017

**CONTACT OFFICER:** Alison Hibbert, Leisure Services Manager

**(For all enquiries)** (01753) 875896

**WARD(S):** All

### PART I FOR DECISION

#### SALT HILL PARK – PROPOSED IMPROVEMENT WORKS

##### 1 Purpose of Report

To advise the Council of proposed improvement works at Salt Hill Park, which will require consent from the trustees of the Salt Hill Playing Fields.

Salt Hill Playing Fields is a charity registered with the Charity Commission under charity registration number 215385. The playing fields are held in trust for the benefit of the inhabitants of the district of the Council and the Members of the Council are the trustees of the Charity.

##### 2. Recommendation

Members of Slough Borough Council in their capacity as Trustees of the Salt Hill Playing Fields are requested to approve the improvement works to the land of the Trust comprising the access to the playing fields off the main Bath Road entrance (shown on the plan at Appendix 1) and to authorise any applications for the consent of the Charity Commission which may be required in connection with such works.

##### 3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

##### 3a Slough Joint Wellbeing Strategy Priorities

All the actions within the Leisure Strategy and the refurbishment work proposals to the Salt Hill leisure facility will contribute towards achieving the overarching vision of the Slough Joint Wellbeing Strategy and will make significant contributions specifically to the health, wellbeing and safer Slough themes.

- **Health and Wellbeing.** Cabinet in July 2014 approved a strategy for leisure, with the overarching aim to "enhance the health and wellbeing of Slough residents by ensuring leisure activity is adopted as a habit for life for all – more people, more active, more often". The causal link between physical activity and overall health indicators is clear, particularly for obesity and heart disease, which are high priorities for Slough.
- **Safer Slough.** The opportunity to participate in shared leisure activities makes a positive contribution to community cohesion and interaction for all members of the varied and diverse community in Slough.
- **Regeneration and environment.** Leisure facilities contribute to the quality of the environment of the town. They provide opportunities to regenerate specific sites and local communities.

### **Cross-Cutting themes:**

Good leisure facilities can improve the image of the town, making Slough a destination for sport and physical activity for local residents who will take a pride in the promotion of their use.

The leisure strategy and improved leisure facilities contribute towards addressing key priorities as set out in the JSNA including childhood obesity, positive activities for young people and cardio vascular disease.

### 3b. **Five Year Plan Outcomes**

- Slough will be the premier location in the south east for businesses of all sizes to locate, start, grow, and stay – good quality, accessible leisure facilities are attractive to employers to ensure a healthy workforce which is imperative for a businesses success.
- There will be more homes in the borough, with quality improving across all tenures to support our ambition for Slough – the future development of leisure facilities on chosen sites in the town will compliment planned housing developments and assist the organisational aim of maximising the value of assets.
- Slough will be one of the safest places in the Thames Valley – leisure activity can be used as a diversionary activity for young people who could be at risk of anti-social behaviour.
- More people will take responsibility and manage their own health, care and support needs – accessible leisure opportunities in the right location will enhance the health and wellbeing of all individuals living in Slough.
- Children and young people in Slough will be healthy, resilient and have positive life chances – improved leisure facilities will provide children and young people with wider opportunities for participation in sport and physical activity which results in greater physical and mental wellbeing. The proximity of the proposed new facilities to educational establishments will maximise use and allow the Council to realise corporate aims.
- The Council's income and the value of its assets will be maximised through capital development and improvements to its leisure

### 4. **Other Implications**

#### (a) Financial

Cabinet agreed on 19 December 2016 to fund the proposed improvements to the Salt Hill leisure facility. As part of this development there is a requirement to look at a more long term solution to car parking. It is anticipated that additional car parking will be provided in an area of the park which is not trust land. A bid to cover the costs of these works will be made to capital strategy group at a later stage.

#### (b) Risk Management

The proposed improvement works to the main entrance and road widening to the main access routes to the playing fields' car parking areas are essential to meet with safety requirements; protecting users of the park facilities. The improvement works will also enhance the park but they affect trust land.

### (c) Human Rights Act and Other Legal Implications

Any development works within the boundary of the trust land requires approval of the Trustees of Salt Hill Playing Fields. The proposed works to the main leisure facility falls outside of the trust land. The required road widening and access improvements fall within the land owned by the Trust. See appendix 1.

Any decision made by the Trust which is contrary to the objects of the Trust will require approval from the Charity Commission

Members of the council act collectively as the trustees of the Salt Hill Playing Fields. As charitable trustees, the members must act independently from the policies, decisions and interests of the council. The members must take all decisions based on what is in the best interests of the Trust when acting in their capacity as trustees.

### (d) Equalities Impact Assessment

An equalities impact assessment has been undertaken in respect to the proposed development of Salt Hill leisure facility.

## 5. Supporting and Legal Information

- 5.1 Salt Hill Park was conveyed to the council on 13th August 1906 by James Elliman. It is registered at the Land Registry under title number BK428248. The Conveyance stipulated that the land shall **“be used as public recreational land under the Public Health Act 1875”**. The 1906 Conveyance acts as the trust deed. It was amended by a scheme approved by the Charity Commission dated 19 December 1983 which allowed an exchange of lands between the Trust and the Council whereby the site of the Salt Hill leisure facility was transferred to the Council by the Trust in exchange for other, nearby Council land. Slough Borough Council may create new bye-laws for the regulation of Salt Hill Park accordingly.
- 5.2 The 1906 Conveyance sets out clearly that the property can only be used **“solely for the purpose of encouraging and giving facilities for games and physical and athletic exercises calculated to promote the physical health of the young people of the district and not for the purpose of providing a promenade or mere pleasure ground or public resort”**
- 5.3 The Property was also conveyed subject to a public right of way over pathways traversing Salt Hill Park. It was not likely that this originally included a vehicular right of way owing to the prohibition on access by vehicles (as set out in paragraph 5.4 below). However, vehicular rights of way will most likely now have become established owing to the long user.
- 5.4 The bye-laws made in 1906 specifically prohibited access to the Salt Hill Park by vehicles other than motorbikes and tricycles. There is a further prohibition on any variation to the means of access to and egress from the trust land. The proposed widening of the access route is unlikely to constitute a variation of the means of access to and egress from the park. However, it may require the consent of the Charity Commission if it is deemed to be a disposal of trust land.

## **Background**

- 5.5 On the 19<sup>th</sup> December 2016 Cabinet agreed to plans for the refurbishment of the leisure facility in Salt Hill Park, which includes provision for ten pin bowling, caving, trampolining and a large soft play facility, along with other activities, which contribute to tackling the inactivity and childhood obesity issues prevalent in the town.
- 5.6 A planning application was submitted to the council for the improvement works to the Salt Hill leisure facility on 20<sup>th</sup> June 2017. The expected date for planning approval is 20<sup>th</sup> September 2017.
- 5.7 There are proposals that will increase the car parking available on the site and officers are currently working up options for this. The additional car parking schemes will be covered in areas of Salt Hill Park not owned by the Trust. However access routes to the proposed parking areas are on Trust owned land. See appendix 1.
- 5.8 With the possible increase in car journeys to the new leisure facility when it opens in June 2018 and the ongoing demand for parking for users of the park and the restaurant, safe access routes are paramount, for both cars and pedestrians. To accommodate this, improvements to the main entrance to the park from the Bath Road (A4) are required along with road widening to the main road access into the park. These proposed improvements are on Trust owned land and require the permission of trustees.

## 5.9 **Comments of Other Committees**

None.

## 6. **Conclusion**

Members are requested to agree to the improvement works in their capacity as trustees of the Salt Hill Playing Fields Trust.

## 7. **Appendices Attached**

Appendix 1 – Salt Hill Park map.

## 8. **Background Papers**

None.