

Report on Finance Committee's Recommendation to withdraw Town Council's informal agreement to maintain Play Areas owned by Shropshire Council's

Purpose of the Report

With the expansion of Love Lane Cemetery and the increasing length of the growing season The Groundsman has found it increasingly difficult to carry out the maintenance of the public open spaces in Wem that it owns along with area it does not own. This report first considered by the Finance and Corporate Governance Committee on 12.10.23 and provides background on the history around the maintenance of the Shropshire Council owned public open spaces.

Cordwell Park, The Grove and Lowe Hill Gardens Public Open Spaces were created in the 1970's and are all now owned by Shropshire Council but maintained by the Town Council under an informal agreement entered into 1986.

In 1999 the Town Council installed new play equipment on the sites after removing the old play equipment

Over the years there have been several attempts firstly by North Shropshire DC and Shropshire Council to make the Town Council enter into a formal lease agreement over the maintenance of these sites which have all been turned down by the Town Council. A lease was drafted in 2010 by Shropshire Council for the maintenance of The Grove Play Area, however on the advice of the Town Council's solicitor this was turned down as there would be no benefit to the Town Council to enter into a formal management agreement.

In 2017 the Town Council successfully applied for funding from Shropshire Council's Environmental Maintenance Grant (EMG) to help maintain these play areas and received £2262. When an application was submitted to the revamped grant in 2018 the Town Council was turned down as Shropshire Council stated that there as an existing legal agreement for the Town Council to maintain these sites citing a letter from 1986 as evidence of this. The Town Council strongly refuted this in a letter to Andy Wilde in 2019.

Details of this correspondence can be found in Appendix A

Minute point 188/19 (28.3.19) recorded the following resolution when the response received from Shropshire Council was discussed.

- **RESOLVED:- to contact Shropshire Council and request that the 1986 maintenance agreement between the Town Council and Shropshire Council to undertake the maintenance of The Grove, Lowe Hill Road and Cordwell Park play areas is reviewed.**

This resulted in a site meeting with Carmen Ecclestone (Street Scene Manager) to discuss a way forward in July 2019. At this meeting it was suggested that annual contribution of £500 per site may be appropriate.

Despite numerous attempts to progress this situation no other response has been received by Shropshire Council until Sept 2023 when the Town Clerk raised it again and this resulted in a visit to each site with a Street Scene officer who stated he would need to discuss the situation with his line manager as the Street Scene Manager has been made redundant. It is the view of the Town Clerk that as no maintenance agreement or lease was ever signed, the maintenance of the 3 areas has always been by way of informal agreement. The Town Council may however wish to seek legal advice on this stance.

26.10.23

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If the Town Council were to hand back these 3 public open spaces this would free up The Groundsman's time to maintain the public open spaces which the Town Council actually owns and would negate the need for a Cemetery Maintenance Contract which would need to be funded by an increase in the precept. As the play equipment is under the ownership of the Town Council would continue to need to carry out the weekly checks.

The main disadvantage to this proposal would be;

- **Public Perception** - The decision may result in negative publicity for the Town Council as the future quality of the maintenance may fall short of current standards causing complaints from residents.