

1. ST ALBANS SCHOOL – LICENCE TO OCCUPY PART OF THE SCHOOL SITE



General Manager responsible:	General Manager City Environment Group
Officer responsible:	Transport and Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to delegate authority for the Corporate Support Manager to agree as he shall see fit the terms of a licence to occupy part of the St Albans School site with the St Albans School Board of Trustees and the Ministry of Education for the purposes of establishing and operating a joint school/community playground within the St Albans School site; and to enter into such licence on behalf of the Council.

EXECUTIVE SUMMARY

2. Council staff have been working with the St Albans School Board of Trustees on a proposal to install a new playground on the school site, which will be open to the public out of school hours. St Albans School has a policy of welcoming the community into its grounds. This joint project will result in benefits to both parties with the school gaining a new senior playground and the Council gaining a new public playground, out of school hours, in an area that is deficient in senior play equipment and has limited public space in which to locate one.
3. The legal instrument to be used to give effect to the proposed shared arrangement relating to the playground is a licence to occupy that the School Board of Trustees propose to grant to the Council. The proposed licence will set out the terms regulating the relationship between the School and the Council concerning the playground and will grant the Council legal rights of access to the playground to be erected in school grounds for the benefit of the community.
4. As the proposed playground will occupy land legally owned by the Ministry of Education, the agreement of the Ministry to the proposed form of licence is also required.
5. The terms of the proposed licence have substantially been agreed between with the School Board of Trustees and the Ministry of Education, but subject to formal Council approval being obtained and the Council being satisfied that it has undertaken all necessary public consultation in relation to the proposal.
6. In summary the proposed licence contemplates the following arrangements:
 - The Council will assist the St Albans School Board of Trustees to construct the playground by providing project support. The Board of Trustees is to be primarily responsible for providing the playground equipment and constructing the playground.
 - The Council will contribute equipment to the playground as part of construction to a maximum value of \$50,000 plus GST.
 - The Board of Trustees will contribute funding of \$38,000 to the playground as part of the construction.
 - The Council is granted a licence to use the playground for the benefit of the community generally after school hours.
 - The school is entitled to exclusive use of the playground during normal school hours.
 - The school is required to maintain the playground and to ensure that it complies with NZ Standard 5828 2004. However, the Council is required to contribute up to \$1,500 plus GST per annum to the costs of such maintenance.
 - The Council is required to conduct an annual inspection or audit of the playground to ensure that it is being properly maintained.
 - The Board of Trustees and the Council may form a committee to manage their relationship concerning the playground.

- The Board of Trustees is required to insure the playground, but the Council is required to contribute a proportion of that cost.
- The term of the licence is 25 years, subject to a right of the Board of Trustees to cancel the licence if the licence area is required for any educational purpose.
- The licence fee payable is a nominal \$1 per annum.

FINANCIAL IMPLICATIONS

7. The funding from Council is being provided from the Transport and Greenspace Capital Programme. The Council is contributing \$50,000 plus GST towards the play facility. As the funding is from the capital budget, the Council will retain ownership of listed equipment for the purpose of depreciation.
 - Play equipment to the value of \$35,887
 - Soft fall undersurfacing to the value of \$14,113.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Yes. Funding is provided from within existing Playgrounds–New Installations, and Playground Undersurfacing budgets within the 2006/07 Transport and Greenspace Capital Programme.

LEGAL CONSIDERATIONS

9. The Council has delegated authority to the Corporate Support Manager to enter into leases and licences to the Council where the term does not exceed five years or the annual rental does not exceed \$50,000 plus GST per annum. As the term of the proposed licence is for 25 years a specific delegation to the Corporate Support Manager is required to enable the proposed licence to be entered into.

Have you considered the legal implications of the issue under consideration?

10. The proposal to enter into the licence with the St Albans Board of Trustees will involve the Council accepting a number of responsibilities as a licensee under the licence. However it is considered that the proposed transaction and the benefits that it will deliver to the Council and the community in terms of delivering a new playground facility in partnership with St Albans School are sufficient to justify the entering into of the proposed licence by the Council.
11. The Council's Legal Services Unit has negotiated the terms of the proposed licence and is satisfied that the proposed form of the licence is fair and reasonable and that the legal interests of the Council will be safeguarded by entering into it.
12. The form of the proposed licence has been substantially agreed between the parties, subject to the Council formally approving the proposal and the Council undertaking all necessary public consultation. The public consultation process is being undertaken in tandem with the process to present this report to the Council and it is anticipated that at the time this report is dealt with by the Council that the results of that consultation will be known and available to the Council.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. LTCCP, Parks, Open Spaces and Waterways – Page 123. Recreation – By offering a range of active and passive recreation and leisure opportunities, and Health – By providing areas for people to engage in healthy activities.
14. LTCCP, Recreation and Leisure – Page 131. Recreation – By encouraging more people to participate in leisure, physical and sporting activities.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

15. Social Wellbeing Strategy and Youth Strategy.

CONSULTATION FULFILMENT

16. Extensive discussion has been undertaken between the Council, the School and the Ministry about the proposed licence to occupy part of the school site.
17. The school has undertaken preliminary consultation with the children of St Albans School about the proposed new playground. As a number of children in the area do not attend St Albans School, consultation will be undertaken with the wider community, prior to seeking approval to construct this playground from the Community Board.

STAFF RECOMMENDATION

That Council grant delegated authority to the Corporate Support Manager to agree as he shall see fit the terms of a licence to occupy part of the St Albans School site with the St Albans School Board of Trustees and the Ministry of Education for the purposes of establishing and operating a joint school/community playground within the St Albans School site and to enter into such licence on behalf of the Council.

BOARD'S RECOMMENDATION

That the staff recommendation be adopted.