

Report Title:	Approval to lease Shurlock Row Nature Reserve and Play Area to Waltham St Lawrence Parish Council
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot
Meeting and Date:	Cabinet – 28 April 2022
Responsible Officer(s):	Duncan Sharkey – Chief Executive Andrew Durrant – Executive Director of Place
Wards affected:	Hurley and The Walthams

REPORT SUMMARY

This report seeks approval to issue a lease for the 12-acre area known as Shurlock Row Nature Reserve to the Waltham St Lawrence Parish Council for a period of 99 years.

The 12 acre of land was purchased by the Council in 2009 to retain the field as a site of conservation interest.

The local Parish Council approached the parks team with ideas to enhance the field as a public asset with a small play area and car park, new pond and a conservation management plan to retain wildflower areas on the majority of the field.

Following a successful capital bid for a programme of park investment, in 2017 Council officers started working with Waltham St Lawrence Parish Council (PC) to change the use of land.

The PC worked with officers to undertake a full local consultation on the design of the improvements to the land and have negotiated the details of the lease.

The project will increase access to open spaces in this area of the borough and to protect and maintain the special area which has a rich heritage of grasses and wildflowers.

The council scheme of delegation requires a cabinet report to approve the granting of leases of this length.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Authorises the granting of a full repairing lease of 99 years to Waltham St Lawrence Parish Council for the 12 acres of land known as Shurlock Row Nature Reserve.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Grant a lease to the Parish for the area outlined as Shurlock Row Nature Reserve This is the recommended option	This completes the project originally outlined in the Capital bid process in 2017 and the following reports to Lead Members, and work with the Parish Council.
Retain the operation and maintenance of the area within the Council	This will require adding to the grounds maintenance contract and monitoring by Council officers and a suitable budget.

- 2.1 The borough has for a number of years sought to work with Parish Councils in areas where they can take over the responsibility for services and deliver more locally for their residents.
- 2.2 In 2017, as part of the then Leisure Services Unit, a capital bid was submitted for a number of projects under the title of park investments. Shurlock Row was one of these projects and £135,000 of this capital bid was allocated for this site.
- 2.3 This park investment project was working with the parish council, to create an open space – nature reserve and play area in line with RBWM policy to create more open space for residents, by using a 12 acre plot of RBWM owned land to create the open space.
- 2.4 The parish council had consulted its residents and had received a positive response to their idea.
- 2.5 The land was investigated as a potential Jubilee woodland site following an ecological survey that found the area supported a habitat of high existing ecological interest that would be lost as a result of woodland creation. This finding was later used to design the changes and development of the site to protect and maintain this important ecological area.
- 2.6 The project was to be managed and the initial development funded by RBWM and before handing to the parish on a peppercorn rent. The parish then funding ongoing development and maintenance.

3. KEY IMPLICATIONS

- 3.1 The granting of the lease will result in the transfer of management and development of the open space to the local PC who are in a better place to respond to needs of local residents in this area of the borough, which is under provided for in open space terms.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Lease signed	Lease unsigned	Lease signed by 12 May 2022	N/A	N/A	15 May 2022
Parish undertaking maintenance	Parish not arranging regular maintenance	Parish arranging regular maintenance by 12 May 2022	N/A	N/A	15 May 2022

- 3.2 Cabinet approval is required to award the lease to the Parish Council to enable the transfer of land to their responsibility.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The completion of this project will mean the start of a peppercorn rent agreement with the Parish Council and the removal of RBWM responsibility for the maintenance of the site.

There are no further financial implications from this decision.

5. LEGAL IMPLICATIONS

- 5.1 The RBWM legal team have been consulted throughout the project on the change of use, land swap and the preparation and enactment of the lease.

6. RISK MANAGEMENT

- 6.1 There is a risk that following the completion of the lease, due to a number of reasons such as changes in personnel in the Parish Council, budget changes and Covid that the Parish Council will not sign the lease and take over the maintenance of the site as originally agreed. Officers have continued to liaise with the local parish council to mitigate this risk.

Table 4: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The Parish Council seek to leave the lease unsigned	Medium	Continued negotiation with the Parish on their original desire and commitment	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments - There are no negative impacts which have been identified on the protected characteristics, or on the access to this site as a nature reserve, from this proposed lease to the local parish council. The project has been progressed to seek additional services for residents. Due to the nature of the area there is increased access to open space in the area. The Screening EqIA is included in Appendix 1.
- 7.2 Climate change/sustainability - There are no adverse effects from the recommendation to complete this project by granting a lease to the Parish Council. The ecological protection for the site will be maintained and has been enhanced by the improvements made to enable the creation of the new open space. The granting of the lease brings management of the land into local control, increasing the opportunity for community engagement with development of wildflower meadow and grass land management in the area.
- 7.3 Data Protection/GDPR - No Data Protection Impact Assessment is required for this project.

8. CONSULTATION

- 8.1 The Parish consulted with residents in 2017, prior to this project which obtained a positive response to them engaging with RBWM for the outcome of a new Open Space.
- 8.2 The project was identified as part of the 2018 Capital Bids process and subject to consultation and approval through that process with Members.
- 8.3 As this featured a change of use for the land to Public Open Space, including car parking – planning application 18/01445 and therefore subject to the usual consultations associated with this type of planning application.
- 8.4 It was a subject of Lead Member Briefings leading up to the start and throughout the project period.
- 8.5 A number of meetings were held on site between Parish Council Officers and RBWM Officers to ensure the progress and appropriate completion to the satisfaction of both parties.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in will be immediately.

10. APPENDICES

- 10.1 This report is supported by one appendix:
- Appendix 1 - Equality Impact Assessment

11. BACKGROUND DOCUMENTS

- 11.1 This report has no background documents:

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	14 March 2022	25/03/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	14 March 2022	23/03/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	14 March 2022	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	14 March 2022	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	14 March 2022	14/3/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	8 March 2022	09/03/22
Andrew Durrant	Executive Director of Place	8 March 2022	
Kevin McDaniel	Executive Director of Children's Services	N/A	
Hilary Hall	Executive Director of Adults, Health and Housing	N/A	
<i>Heads of Service (where relevant)</i>			
Alysse Strachan	Head of Neighbourhoods	8 March 2022	
<i>External (where relevant)</i>			
<i>N/A</i>			

Confirmation relevant Cabinet Member(s) consulted	Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot	Yes
---	--	------------

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 23 March 2023	No	No
Non-key decision		

Report Author: Kevin Mist 07766 510 683 / David Scott 07710 352 095

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project	X	Service/Procedure	
----------	--	--------	--	------	--	---------	---	-------------------	--

Responsible officer	Kevin Mist	Service area	Communities	Directorate	Place
---------------------	------------	--------------	-------------	-------------	-------

Stage 1: EqlA Screening (mandatory)	Date created: 10/03/2022	Stage 2 : Full assessment (if applicable)	Date created : Not required
--	--------------------------	--	-----------------------------

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): David V. Scott

Dated: 23 – March - 2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them.
- Fostering good relations between those with ‘protected characteristics’ and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council’s website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What’s the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a ‘Specific Duty’ to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

This project has been a joint initiative with Waltham St Lawrence Parish Council to create a new open space and playground on RBWM owned land, to provide a local nature reserve. The area will be let to Waltham St Lawrence PC to manage and look after for the benefit of local residents and users.

The new open space has been designed to be accessible and will offer increased open space and a local nature reserve in this local area.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Yes	All ages	Positive	<p>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020].</p> <p>An estimated 20.2% of the borough population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory].</p> <p>The update Local Parish details from the 2021 Census are not yet available, but the age spread of the ward is expected to be in line with the borough profile.</p>
Disability	Yes			The site has been designed to include access for those with limited or restricted mobility.
Gender re-assignment	No			
Marriage/civil partnership	No			
Pregnancy and maternity	No			
Race	No			<p>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]</p> <p>The update Local Parish details from the 2021 Census are not yet available, but the age spread of the ward is expected to be in line with the borough profile.</p>

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Religion and belief	No			<p>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]</p> <p>The update Local Parish details from the 2021 Census are not yet available, but the age spread of the ward is expected to be in line with the borough profile.</p>
Sex	No			<p>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</p> <p>The update Local Parish details from the 2021 Census are not yet available, but the age spread of the ward is expected to be in line with the borough profile.</p>
Sexual orientation	No			

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

--

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

--

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? *List those groups who the work is targeting/aimed at.*

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Eliminate discrimination, harassment, victimisation

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Shurlock Row – Open Space Lease to Waltham St Lawrence Parish Council

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.