

## Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200-

A MEASURE of the National Assembly for Wales to make provision in relation to community involvement in decisions by local authorities in Wales whether to dispose of playing fields; and for connected purposes.

**This Measure, passed by the National Assembly for Wales on [     ] and approved by Her Majesty in Council on [     ], enacts the following provisions:-**

## **1 Restriction on disposal of playing fields by local authorities in Wales**

- (1) A local authority in Wales (“the authority”) may not dispose of a playing field or any part of a playing field unless it has first complied with the requirements of sections 3 to 6.
- (2) If the authority has complied with those requirements in relation to a proposed disposal –
  - (a) it is also to be taken to have complied with those requirements in relation to a modified proposed disposal;
  - (b) it is not to be taken as having complied with those requirements unless the disposal takes place within 12 months of the day on which the notice referred to in section 3(8) is first published.

## **2 Principal definitions**

In this Measure –

- (a) “dispose” means to grant any estate or interest in land (other than a short tenancy) or to enter into an agreement to do so, and “short tenancy” means –
  - (i) a term not exceeding seven years, or
  - (ii) the assignment of a term which at the date of the assignment has not more than seven years to run;
- (b) “local authority” means –
  - (i) a county or county borough council,
  - (ii) a community council (including a community council designated as a town council), or
  - (iii) a national park authority;
- (c) “playing field” means the whole of a site which encompasses at least one playing pitch; and
- (d) “playing pitch” means a delineated area which, together with any run-off area –
  - (i) is 0.2 hectares or more in area, intended for use for playing association football, baseball, cricket, hockey, netball, rounders or rugby,
  - (ii) is 0.1 hectares or more in area, intended for use for playing bowls, or
  - (iii) is 0.06 hectares or more in area, intended for use for playing tennis.

## **3 Impact statement**

- (1) The authority must prepare a statement identifying the nature of the proposed disposal and describing its impact on –
  - (a) the overall provision of playing fields in the locality, including the quality and accessibility of such playing fields,
  - (b) the health and well-being of residents of the locality generally and of children and young persons in particular, and

- (c) any strategy which the authority is required to prepare under section 4(1) of the Local Government Act 2000 (c.22).
- (2) A statement prepared under subsection (1) is referred to in this section as an “impact statement”.
- (3) The references in this section to “the locality” are references to the area or areas from which those likely to make use of the playing field if it continued to be available for use would be drawn and it is irrelevant whether such an area falls within the area of the local authority which is proposing to dispose of the playing field.
- (4) When describing the impact referred to in subsection (1) the impact statement may take into account any alternative provision of playing fields which the authority proposes to make or to secure at or before the time of the proposed disposal.
- (5) The impact statement must –
- (a) be available for inspection for a continuous period of not less than four weeks during normal office hours at the authority’s principal office and, if reasonably practicable, at one or more places within the locality, and
  - (b) if the authority maintains a web-site, appear on that web-site during the period referred to in paragraph (a).
- (6) The authority must, subject to payment of a reasonable charge, provide a copy of the impact statement to any person from whom the authority receives a request during the period referred to in subsection (5)(a).
- (7) The period referred to in subsection (5)(a) is referred to in this Measure as “the deposit period”.
- (8) Notice–
- (a) identifying the proposed disposal,
  - (b) identifying the deposit period,
  - (c) stating the place or places at which the impact statement may be inspected during the deposit period and the times between which it may be inspected,
  - (d) notifying the public of their entitlement, in accordance with subsection (5), to a copy of the impact statement, and
  - (e) notifying the public of their right, during the consultation period, to make representations to the authority in relation to the proposed disposal and of the means by which they may do so,
- must be published by the authority during at least two consecutive weeks in one or more newspapers circulating in the locality.
- (9) The deposit period may not end less than five weeks after the day on which the notice referred to in subsection (8) is first published.
- (10) The “consultation period” means the period which begins on the same day as the deposit period and which ends two weeks after the end of the deposit period.

#### **4 Consultation**

- (1) The authority must, no later than the day on which the notice referred to in section 3(8) is first published, take reasonable steps to bring the statement prepared pursuant to section 3(1) to the attention of –
  - (a) each of the bodies identified in the Schedule, and
  - (b) such other bodies as appear to the authority to represent the interests of persons likely to make use of the playing field, and in particular the interests of children and young persons who do so and of their parents,and to notify such bodies of their right, during the consultation period, to make representations to the authority in relation to the proposed disposal and of the means by which they may do so.
- (2) The Welsh Ministers may, by order, amend the Schedule from time to time.

#### **5 Consideration of representations**

- (1) The authority must consider any representations in relation to the proposed disposal which it receives during the consultation period.
- (2) The authority may consider any such representations which it receives after the end of the consultation period.

#### **6 Decision as to whether to proceed with the proposed disposal**

- (1) If, having considered any representations which it is required or empowered to consider under section 5, the authority decides not to proceed with the disposal, it must publish notice of that fact in one or more newspapers circulating in the locality.
- (2) If, having considered such representations, the authority decides to proceed with the disposal or a modified proposal it must –
  - (a) prepare a decision statement,
  - (b) publish notice, during at least two consecutive weeks, in one or more newspapers circulating in the locality, of the place or places at which the decision statement may be inspected and the period during which and the times between which it may be inspected,
  - (c) make the decision statement available for inspection for a continuous period of not more than four weeks during normal office hours at the authority's principal office and, if reasonably practicable, at one or more places within that locality, and
  - (d) if the authority maintains a web-site, cause the decision statement to appear on that web-site during the period referred to in paragraph (c).
- (3) A "decision statement" is a statement summarising the representations which the authority has considered under section 5 and setting out its reasons for proceeding with the disposal (or a modified proposed disposal).
- (4) The authority must, subject to payment of a reasonable charge, provide a copy of the decision statement to any person from whom the authority receives a request during the period referred to in subsection (2)(c).

- (5) The period referred to in subsection (2)(c) may not end less than five weeks after the day on which the notice referred to in subsection (2)(b) is first published
- (6) The authority may not dispose of the playing field until the period referred to in subsection (2)(c) has expired.

## **7 Directions by the Welsh Ministers**

- (1) If the Welsh Ministers receive representations –
  - (a) that an authority is proposing to dispose of a playing field, and
  - (b) that the authority has failed, in any respect, to comply with the requirements of sections 3 to 6 of this Measure in relation to the proposed disposal,the Welsh Ministers may direct the authority not to proceed with the disposal and the authority must comply with that direction.
- (2) A direction given under subsection (1) is referred to in this section as a “stop direction”.
- (3) If, after a stop direction has been given, it appears to the Welsh Ministers, having considered any representations made by the authority in question, that the authority has substantially complied with the requirements of sections 3 to 6 of this Measure in relation to the proposed disposal, the Welsh Ministers must withdraw the stop direction.
- (4) If, after a stop direction has been given, it appears to the Welsh Ministers, having considered such representations, that the authority has failed, in any substantial respect, to comply with the requirements of sections 3 to 6 of this Measure in relation to the proposed disposal, the Welsh Ministers must withdraw the stop direction but must, on doing so, give the authority a remedial direction.
- (5) A “remedial direction” is a direction to the authority to take such steps to ensure substantial compliance by the authority with such requirements of sections 3 to 6 of this Measure as are specified in the direction. and the authority must comply with that direction.
- (6) An authority to which the Welsh Ministers give a remedial direction must comply with that direction.

## **8 Amendment to the Local Government Act 1972 (c.70)**

- (1) Section 123 (Disposal of land by principal councils) of the 1972 Act is amended –
  - (a) by inserting in subsection (1), after “Subject to the following provisions of this section,” –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200-,”
  - (b) by inserting after subsection (2A) –

“(2AA) Subsection (2A) does not apply to a disposal to which the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200- apply.”, and
  - (c) by inserting in subsection (2B), after “by virtue of subsection (2A) above” –

“or in accordance with the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200-.”.

- (2) Section 127 (Disposal of land by parishes and communities) of the 1972 Act is amended by inserting in subsection (1), after “Subject to the following provisions of this section,” –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200-, “.

## **9 Orders and regulations**

- (1) Any power to make orders or regulations conferred by this Measure –

(a) is exercisable by statutory instrument,

(b) includes power –

(i) to make provision generally or in relation to specific cases,

(ii) to make different provision for different cases,

(iii) to make such incidental, supplementary, saving or transitional provision as the Welsh Ministers think fit,

(iv) which as well as being exercisable in relation to all cases to which it extends may be exercised in relation to all those cases subject to exceptions or in relation to any particular case or class of case.

- (2) Subject to subsections (3) and (4) any statutory instrument containing an order or regulations made under this Measure is subject to annulment in pursuance of a resolution of the Assembly.

- (3) A statutory instrument which contains –

(a) an order under section 4(2), or

(b) regulations made by the Welsh Ministers under section 10 which amend or repeal any part of the text of an Act of Parliament or an Assembly Measure,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Assembly.

- (4) Subsection (2) does not apply to a statutory instrument containing an order which only makes provision only under section 12(3).

## **10 Power to make further supplementary and consequential provision etc.**

- (1) The Welsh Ministers may at any time by regulations make –

(a) such supplementary, incidental or consequential provision, and

(b) such transitional or saving provision,

as they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Measure.

- (2) Regulations under subsection (1) may, in particular, make provision –

(a) amending or repealing any enactment passed before, or during the same Assembly year as, this Measure, and

- (b) amending or revoking any subordinate legislation (within the meaning of the Interpretation Act 1978 (c.30)) made before the passing of this Measure.

## **11 Interpretation**

In this Measure –

“the 1972 Act” means the Local Government Act 1972 (c.70);

“consultation period” is defined by section 3(10);

“decision statement” is defined by section 6(3);

“deposit period” is defined by section 3(7);

“dispose” is defined by section 2(a);

“impact statement” is defined by section 3(2);

“local authority” is defined by section 2(b);

“the locality” is defined by section 3(3);

a “modified proposed disposal” is a proposal to dispose of a playing field which relates to a proposed disposal in respect of which the authority has complied with the requirements of sections 3 to 6 but whose impact on the matters referred to in section 3(1) is less;

“playing field” is defined by section 2(c);

“playing pitch” is defined by section 2(d);

“remedial direction” is defined by section 7(5); and

“stop direction” is defined by section 7(2);

## **12 Short title and commencement**

- (1) This Measure may be referred to as the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 200-.
- (2) This section comes into force on the day on which this Measure is approved by Her Majesty in Council.
- (3) The remaining provisions of this Measure come into force on such day or days as the Welsh Ministers may by order appoint.

SCHEDULE

*Introduced by Section 4*

CONSULTEES

- 1 Fields in Trust Cymru.  
The Open Spaces Society.  
Play Wales.  
The Sports Council for Wales.
- 2 Any sports club, association or other body who make regular use of the playing field.
- 3 Any local authority (other than the authority proposing to dispose of the playing field) whose area includes any part of the locality.  
Any Local Health Board whose area includes any part of the locality.
- 4 Age Concern.  
Barnados.  
The British Heart Foundation.
- 5 The Children's Commissioner for Wales.  
Any Local Youth Forum established in the locality.  
Any School Council of a school in the locality.
- 6 Any branch of the following whose geographical area of activity includes any part of the locality –  
Merched y Wawr.  
The Womens' Institute.