

REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND CULTURE**BESTWOOD COUNTRY PARK – SERVICE LEVEL AGREEMENT WITH
GEDLING BOROUGH COUNCIL****Purpose of the Report**

1. To seek Committee approval:
 - i. to conclude a new Service Level Agreement for Bestwood Country Park following the termination of the previous joint management agreement with Gedling Borough Council
 - ii. for Legal Services to draw up new byelaws for Bestwood Country Park for subsequent approval by the Secretary of State.

Information and Advice

2. Since 2003, Bestwood Country Park has been jointly managed by the County Council and Gedling Borough Council (GBC), where both councils pooled their land ownerships to form the wider park.
3. The County Council had responsibility for the facilities and provided the ranger service while GBC contributed a proportion towards the overall annual costs. The respective functions were set down in a Management Agreement.
4. In 2012, the Borough Council terminated this joint management arrangement and took back under its control those parts of the park within its land ownership i.e. the southern area around Bestwood Lodge Hotel and the woodlands adjoining the Fire Service Headquarters. The site is now effectively two parks with each council only managing the land in its ownership.
5. GBC has, however, requested a buy back of specialist services from the County Council for tree and woodland management on their land. To this end, a new Service Level Agreement has been drafted that sets out the terms of the service to be provided and the annual payments to be made to the County Council. The proposed Service Level Agreement is available as a background paper.
6. In view of the proposed changes, it is felt to be an opportune moment to agree a set of byelaws for the park. This is a matter that has been raised by the Friends of Bestwood Country Park as a matter of improving public access, usage, health and safety.

7. This would require the Council's Legal Services to prepare the necessary documentation to be agreed by the Secretary of State for Defra, which publishes a model set of laws and has a 'fast-track' scheme for their approval. The broad provision for byelaws is set out below:

Model Byelaws

- Aircraft
 - Bathing
 - Camping
 - Erection of structures
 - Fires
 - Games
 - Golf
 - Interpretation
 - Kites
 - Metal detectors
 - Missiles
 - Model aircraft
 - Noise
 - Obstruction/Annoyance
 - Penalty
 - Pollution of waterways
 - Protection of Wildlife
 - Public shows, exhibitions and structures
 - Removal of structures
 - Removal of substances
8. Clearly not all the above apply to the Country Park and the Council can choose to exclude those that are not applicable. However, if it wishes to add something not covered by the above model, then the procedure becomes much more cumbersome.
9. Where there is already a statutory control available e.g. for use of guns, dogs, driving off-road, the law assumes that other forms of control will be used and therefore any byelaw will become inoperable. For example, the presence of dogs is now controlled by Dog Control Orders (authorised by district councils) while driving off road is a traffic offence and thus a matter for the police.
10. It is therefore proposed that, following consultation with the Friends of Bestwood Country Park, a set of appropriate byelaws will be prepared by Legal Services for approval.

Other Options Considered

11. The new Service Level Agreement enables both councils the opportunity to continue to deploy specialist skills which benefit from an economy of scale across the whole park area and which are to be fully recharged.

Reason/s for Recommendation/s

12. To confirm a new Service Level Agreement in relation to the future management of the woodland areas of Bestwood Country Park and to have a set of byelaws to assist in the overall management of the site.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

14. The provision of an integrated woodland management service across the whole park area will provide the public with a consistency and continuity of tree management regardless of local authority ownership.

Financial Implications

15. The loss of the grant contribution from GBC in 2012 was £80,000 and had a significant impact on the country park budget. However, the new Service Level Agreement for woodland management will generate £20,000 per annum and help to retain skills within the site team. The remaining shortfall in the budget has been addressed via the Base Budget Review.

RECOMMENDATION/S

That the Committee gives approval for:

- 1) the Group Manager, Country Parks and Green Estate Services, in consultation with the Chairman of the Culture Committee and the Group Manager, Legal and Democratic Services, to conclude a new Service Level Agreement with Gedling Borough Council for woodland management works at Bestwood Country Park.
- 2) the drawing up of new byelaws for Bestwood Country Park by Legal Services for subsequent approval by the Secretary of State.

Derek Higton
Service Director, Youth, Families and Culture

For any enquiries about this report please contact:

Gareth Broome
Countryside Manager
T: 01623 821313
E: gareth.broome@nottsc.gov.uk

Constitutional Comments (NAB 14/02/13)

16. The Culture Committee has authority to approve the recommendation set out in this report due to its terms of reference.

Financial Comments (KLA 15/02/13)

17. The financial implications of the report are set out in paragraph 15 above.

Background Papers

Bestwood Country Park – Service Level Agreement with Gedling Borough Council

Management and Maintenance Agreement for Gedling Borough Council owned land at Bestwood Country Park

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Newstead:	Coun Chris Barnfather
Arnold North:	Coun Ged Clarke and Coun Carol Pepper

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