

Appendix x – Draft Management Plan

Local Management Organisation Requirements for Public Open Space, Outdoor Sports Pitches and Play Areas

NOTE: It is the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council together with payment of a commuted sum.

The Council will only consider a local management organisation proposed by a developer if it meets the list of conditions set out below:.

- (i) in the event that a Management Company is to be constituted by the Owner then such Company shall provide that any profits are retained and applied to the maintenance and management of the Public Open Space and full details of the memorandum and articles of association shall be provided to the Council for the purposes of approval in advance of the transfer of the Public Open Space Land
- (ii) where a Management Company is proposed which is already in existence then details of its memorandum and articles of association shall be provided to the Council to demonstrate that any profits are to be retained and applied to the management and maintenance of the Public Open Space Land in advance of the transfer of the Public Open Space Land
- (iii) the Owner shall provide a method statement containing details of;
 - a. how capital funding for replacement items/unforeseen costs will be generated and;
 - b. how the Management Company will ensure that the standards of maintenance will be at least to the same standard as set out in the Public Open Space Scheme.
- (iv) Confirmation that a diminishing bond will be put in place prior to the transfer of the Public Open Space Land to cover the Council's costs of maintenance and management of the site together with appropriate rights of access in order to allow the Council to step in and carry out the necessary management and maintenance work. The step in rights and bond to be available for the Council to use and draw upon if standards delivered by the Management Company do not match those set out in the Public Open Space Scheme.
- (v) The Council's twice yearly inspection costs to be paid as a commuted sum for the first twenty years for monitoring the Management Company's maintenance standards.
- (vi) Confirmation that at no point will the service charges levied on residents increase the rents for affordable housing above 80% of the open market rents as published by the Home and Communities Agency (HCA) (or successor body), where affordable rents are in place.
- (vii) Confirmation that all public open space, outdoor sports pitches and play areas remain accessible and usable by the general public in perpetuity.
- (viii) If the Management Company goes in to administration or otherwise ceases to exist, confirmation that title deeds of all public open space, outdoor sports or play areas transfer at consideration of £1 to the Council as the provider of last resort and details of the mechanism by which this transfer shall take place.